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सं० 18] नई दिल्ली, शनिवार, अप्रैल 30, 1977/वैशाख 10, 1899
No. 18] NEW DELHI, SATURDAY, APRIL 30, 1977/VAISAKHA 10, 1899

इस भाग में सिन पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएँ

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 6 अप्रैल, 1977

New Delhi, the 14th April, 1977

का० आ० 1225 लोक प्रतिनिधित्व अधिनियम 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग पांडिचेरी संघ राज्य प्रशासन के परामर्श से श्री एम० आर० गंडोत्रा के स्थान पर, श्री ए० चन्द्रशेखर मेनन, सचिव, पांडिचेरी सरकार, विधि तथा श्रम विभाग को पांडिचेरी संघ राज्य क्षेत्र के लिए मुख्य निर्वाचन अधिकारी के रूप में, उनको उक्त पद का कार्यभार ग्रहण किये जान की तारीख से अगले आदेशों तक एतद्वारा नाम निर्देशित करता है।

[संख्या 154/पांडि०/77]

प्र० कु० मिश्र, सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 6th April, 1977

S.O. 1225.—In exercise of the powers conferred by sub-section (1) of Section 13A of the Representation of the People Act, 1950 (43 of 1950) the Election Commission of India, in consultation with the Administration of the Union Territory of Pondicherry, hereby nominates Shri A. Chandrasakthia Menon, Secretary to Government, Law and Labour Department, Pondicherry, as the Chief Electoral Officer for the Union Territory of Pondicherry with effect from the date he takes charge of the office and until further orders vice Shri S. R. Gandotra

[No. 154/POND/77]

(1447)

S.O. 1226.—In pursuance of clause (b) of sub-section (2) of section 116(C) of the Representation of the People Act, 1951, the Election Commission hereby publishes the order of the Supreme Court of India dated 30 March, 1977, in Civil Appeal No. 1645 (NCF) of 1972 against the order dated 27 April, 1972 of the High Court of Madhya Pradesh, Jabalpur in election petition No. 4 of 1971.

IN THE SUPREME COURT OF INDIA

(Civil Appellate Jurisdiction)

Civil Appeal No. 1645 of 1972

RAM SEWAK

Vs

. APPELLANT

SMT. VIJAYA RAJYA SCINDIA
& ANR.

RESPONDENTS.

ORDER

We dismiss the appeal for non-prosecution; but we direct that the parties will bear their own costs

Sd/-

V. R. RISHNA IYER

Sd/-

R. S. SARKARIA

Sd/-

JASWANT SINGH

Dated . March 30, 1977.

[No. 82/MP/4/71]

P. K. MISRA, Secy.

निर्दिष्ट, न्याय और कम्पनी कार्य मंत्रालय

(न्याय विभाग)

नोटिस

नई दिल्ली, 11 अप्रैल, 1977

का० आ० 1227.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को श्री टी० एम० सेन, एडवोकेट, बी-88, नीती बाग, नई दिल्ली-49 ने उक्त नियमों के नियम 4 के अधीन, पूरे भारत में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियां हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें।

[संख्या 22/84/76-न्याय]

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Justice)

NOTICE

New Delhi, the 11th April, 1977

S.O. 1227.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri T. M. Sen, Advocate, B-88, Neeti Bagh, New Delhi-49 for appointment as a Notary to practise in the whole of India.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/84/76-Jus]

नोटिस

का० आ० 1228.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को श्री डी० आर० जयवाला एडवोकेट, बम्बई ने उक्त नियमों के नियम 4 के अधीन, ग्रेटर बम्बई में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियां हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें।

[संख्या 22/18/77-न्याय]

NOTICE

S.O. 1228.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri D. R. Zaiwalla, Advocate, Bombay for appointment as a Notary to practise in Greater Bombay.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice

[No. F. 22/18/77-Jus]

नोटिस

नई दिल्ली, 15 अप्रैल, 1977

का० आ० 1229.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को श्री वृज राम दास, एडवोकेट, अम्बाला सिटी ने उक्त नियमों के नियम 4 के अधीन, अम्बाला सिटी में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियां हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें।

[सं० 22/64/76-न्याय]

NOTICE

New Delhi, the 15th April, 1977

8 S.O. 1229.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Bij Bhushan Gupta, Advocate, Ambala City for appointment as a Notary to practise in Ambala city.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/64/76-Jus]

नोटिस

का० आ० 1230.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को श्री जय राम दास, एडवोकेट, अम्बाला सिटी ने उक्त नियमों के नियम 4 के अधीन, अम्बाला सिटी में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियां हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें।

[सं० 22/65/76-न्याय]

आर० वासुदेवन, सक्षम प्राधिकारी

NOTICE

S.O. 1230.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Jai Ram Dass, Advocate Ambala City for appointment as a Notary to practise in Ambala City.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/65/76-Jus]

R. VASUDEVAN, Competent Authority

विस्तृत मंत्रालय

राजस्व और बैंकिंग विभाग

(राजस्व पक्ष)

नई दिल्ली, 23 दिसम्बर, 1976

आय-कर

का० आ० 1231.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (v)

द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, "श्री आडमार मठ उद्घेष्टी" को निर्धारण वर्ष 1962-63 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[मं० 1593 (फा० सं० 197/154/76-आ० क०(ए))]

MINISTRY OF FINANCE

(Department of Revenue & Banking)

(Revenue Wing)

New Delhi, the 23rd December, 1976

INCOME-TAX

S.O. 1231.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Admai Mutt, Udpi" for the purpose of the said section for and from the assessment year 1962-63.

[No. 1593 (F. No. 197/154/76-IT(AI))]

नई दिल्ली, 7 जनवरी, 1977

आय-कर

फा० आ० 1232—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (v) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, "दि माल्वेशन आर्मी, 16-ए शंकरशेट रोड, पूना" को निर्धारण वर्ष 1976-77 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 1616 (फा० सं० 197/4/76-आ० क०(ए))]

एम० शास्त्री, अवर सचिव

New Delhi, the 7th January, 1977

INCOME TAX

S.O. 1232.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Salvation Army, 16--A Shankershet Road, Poona" for the purpose of the said section for and from the assessment year 1976-77.

[No. 1616 (F. No. 197/4/76-II(AI))]

M. SHASTRI, Under Secy.

(बैंकिंग पक्ष)

नई दिल्ली, 7 अप्रैल, 1977

फा० आ० 1233—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उपधारा (1) और धारा 19 की उपधारा (1) के खंड (क) के अनुसरण में, केन्द्रीय सरकार एतद्वारा श्री टी० आर० वरदाचारी को पहली मार्च, 1977 से प्रारम्भ होकर 30 अप्रैल, 1977 को समाप्त होने वाली अवधि के लिए भारतीय स्टेट बैंक के अध्यक्ष के रूप में पुनः नियुक्त करती है।

[सं० एक० 8/1/77-बीओ I]

बलदेव सिंह, संयुक्त सचिव

(Banking Wing)

New Delhi, the 7th April, 1977

S.O. 1233.—In pursuance of clause (a) of sub-section (1) of section 19 and sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government hereby re-appoints Shri T. R. Varadachary as Chairman of the State Bank of India for the period commencing on 1st March, 1977 and ending with 30th April, 1977.

[No. F. 8/1/77-BO I]

BALDEV SINGH, Jt. Secy.

नई दिल्ली, 7 अप्रैल, 1977

फा० आ० 1234—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषित करती है कि उपर्युक्त अधिनियम की धारा 31 और बैंककारी विनियमन (सहकारी समितियाँ) नियमावली, 1966, के नियम 10 के उपबन्ध 'दी कल्याण को-ऑपरेटिव बैंक लिमिटेड, कलोल, जिला: मेहसाणा' पर उस सीमा तक लागू नहीं होंगे जहाँ तक कि उनका संबंध इस बैंक द्वारा लेखा-परीक्षक की रिपोर्ट के साथ जून, 1976 को समाप्त होने वाले वर्ष के तुलना-पत्र और लाभ-हानि लेखों के समाचार-पत्र प्रकाशित होने से है।

[सं० एक० 8-5/77-ए० सी०]

लाकेन्द्र नाथ शर्मा, अवर सचिव

New Delhi, the 7th April, 1977

S.O. 1234.—In exercise of the powers conferred by section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966 shall not apply to the Kalyan Co-operative Bank Ltd., Kalol, District Mehsana in so far as they relate to the publication of its balance sheet, profit and loss account for the year ended the June 1976 together with the auditor's report in a newspaper.

[No. F. 8-5/77-AC]

L. N. SHARMA, Under Secy.

नयी दिल्ली, 6 अप्रैल, 1977

फा० आ० 1235.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा केनरा बैंक के अधिकारी (ग्रेड III), श्री के० एम० प्रभु को तत्पश्चात् ग्रामीण बैंक, बेल्लारी, के अध्यक्ष श्री बी० ए० प्रभु के 11 अप्रैल, 1977 से 30 अप्रैल, 1977 तक की 3 सप्ताह की अवकाश अवधि के दौरान, उपर्युक्त क्षेत्रीय ग्रामीण बैंक के अध्यक्ष के रूप में कार्य करने के लिए नियुक्त करती है।

[सं० एक० 4-73/75-ए० सी०]

सी० आर० बिश्वास, उप सचिव

New Delhi, the 6th April, 1977

S.O. 1235.—In exercise of the powers conferred by sub-section (6) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri K. M. Prabhu, Officer (Grade III) of Canara Bank, to act as the Chairman of the Tungabhadra Gramin Bank, Bellary, during the period of absence on leave of Shri B.A. Prabhu, Chairman of the said Tungabhadra Gramin Bank for a period of 3 weeks commencing on the 11th April, 1977 and ending with the 30th April, 1977.

[No. F. 4-73/75-AC]

C. R. BISWAS, Dy. Secy.

नई दिल्ली, 12 अप्रैल, 1977

फा० आ० 1236—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बे-वखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए एवं भारत सरकार के वित्त मन्त्रालय (बैंकिंग विभाग) की दिनांक 12 जून, 1975 की अधिसूचना सं० 7(9)-बी० श्रो० 111/74 का अधिकरण करते हुए, केन्द्रीय सरकार एतद्वारा नीचे दी गयी मार्गी के स्तम्भ (1) में उल्लिखित अधिकारी को, जो भारत सरकार के राजपत्रित अधिकारी के बैंक के गणक अधिकारी हैं, उक्त

अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी के रूप में नियुक्त करनी है। यह अधिकारी उक्त मारणी के सम्पदा (2) में उल्लिखित सरकारी स्थानों के संबंध में उक्त अधिनियम के द्वारा अथवा उसके अन्तर्गत सम्पदा अधिकारियों को दी गयी कर्तव्यों का निर्वहन करेगा और प्रदत्त शक्तियों का प्रयोग करेगा।

सारणी

अधिकारी का पद नाम सरकारी स्थानों का वर्गीकरण और क्षेत्राधिकार की स्थानीय सीमाएं

1	2
सहायक महाप्रबन्धक, सैंट्रल बैंक ऑफ इण्डिया, बम्बई-21	सैंट्रल बैंक ऑफ इण्डिया द्वारा भारत में किसी भी स्थान पर स्वामित्व वाले अथवा पट्टे पर लिये गये स्थान।

[सं० 7(9)-बी ओ III/74]
में भा० उपायुक्त, अवर सचिव

New Delhi, the 12th April, 1977

S.O. 1236.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants)

Act, 1971 (40 of 1971), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Banking) No. 7(9)-B.O. III/74 dated the 12th June, 1975, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being officer equivalent to the rank of a gazetted officer of Government, to be an estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act, in respect of the public premises specified in column (2) of the said Table.

THE TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Assistant General Manager, Central Bank of India, Chander Mukhi, Nariman Point, Bombay-21.	Premises owned or taken on lease by the Central Bank of India at any place in India.

[No. 7(9)-B.O. III/74]
M. B. USGAONKAR, Under Secy.

भारतीय रिजर्व बैंक

RESERVE BANK OF INDIA

नई दिल्ली, 11 अप्रैल, 1977

New Delhi, the 11th April, 1977

का० भा० 1237:—भारतीय रिजर्व बैंक अधिनियम, 1931 के अनुसरण में मार्च, 1977 के दिनांक 25 को समाप्त हुए सप्ताह के लिये लेखा

S.O. 1237.—An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 25th day of March, 1977

द्रष्टु विभाग

ISSUE DEPARTMENT

देयतायें LIABILITIES	रुपये Rs.	रुपये Rs.	आस्तियां ASSETS	रुपये Rs.	रुपये Rs.
बैंकिंग विभाग में रखे हुए नोट			सोने का सिक्का और बुलियन		
Notes held in the Banking Department	35,53,09,000		यन:— Gold Coin and Bullion		
संचलन में नोट			(क) भारत में रखा हुआ		
Notes in circulation	7743,12,13,000	7778,65,22,000	(a) Held in India	187,80,45,000	
जारी किए गए कुल नोट			(ख) भारत के बाहर रखा हुआ		
Total notes issued			(b) Held outside India		
			विदेशी प्रतिभूतियां	1071,73,97,000	1259,54,42,000
			Foreign Securities		
			जोड़		
			Total		
			रुपये का सिक्का		18,99,78,000
			Rupee Coin		
			भारत सरकार की रुपया		
			प्रतिभूतियां		
			Government of India Rupee Securities		6500,11,02,000
			देशी विनिमय बिल और दूसरे		
			वाणिज्य-पत्र		
			Internal Bills of Exchange and other commercial paper		
कुल देयतायें Total Liabilities	7778,65,22,000		कुल आस्तियां Total Assets	7778,65,22,000	

दिनांक : 30 मार्च, 1977

Dated 30th day of March, 1977

के० आर० पुरी गवर्नर

K.R. PURI, Governor

25 मार्च, 1977 को भारतीय रिजर्व बैंक के बैंकिंग विभाग के कार्यकलाप का विवरण
Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 25th March, 1977

देयताये LIABILITIES	रुपये Rs.	आस्तियां ASSETS	रुपये Rs.
शुक्ता पूंजी Capital Paid Up	5,00,00,000	नोट Notes	35,53,09,000
भारक्षित निधि Reserve Fund	150,00,00,000	रुपये का सिक्का Rupee Coin	5,81,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि National Agricultural Credit (Long Term Operations) Fund	400,00,00,000	छोटा सिक्का Small Coin	3,98,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि National Agricultural Credit (Stabilisation) Fund	145,00,00,000	खरीदे गये और घुनाए गए बिल Bills Purchased and Discounted :—	
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि National Industrial Credit (Long Term Operations) Fund	540,00,00,000	(क) देशी (a) Internal	184,26,58,000
		(ख) विदेशी (b) External	
		(ग) सरकारी खजाना बिल (c) Government Treasury Bills	346,71,99,000
बचत राशियां— Deposits :—		विदेशों में रखा हुआ धन Balances Held Abroad	1695,55,34,000
(क) सरकारी (a) Government		निवेश Investments	206,96,40,000
(i) केन्द्रीय सरकार (i) Central Government	380,28,82,000	ऋण और अधिमः— Loans and Advances to :—	
(ii) राज्य सरकारें (ii) State Governments	8,11,77,000	(i) केन्द्रीय सरकार को (i) Central Government	..
(ख) बैंक (b) Banks		(ii) राज्य सरकारों को (ii) State Governments	244,82,14,000
(i) अनुसूचित वाणिज्य बैंक (i) Scheduled Commercial Banks	1145,95,03,000	ऋण और अधिमः— Loans and Advances to :—	
(ii) अनुसूचित राज्य सहकारी बैंक (ii) Scheduled State Co-operative Banks	27,86,21,000	(i) अनुसूचित वाणिज्य बैंकों को (i) Scheduled Commercial Banks	966,81,28,000
(iii) गैर-अनुसूचित राज्य सहकारी बैंक (iii) Non-Scheduled State Co-operative Banks	1,87,79,000	(ii) राज्य सहकारी बैंकों को (ii) State Co-operative Banks	391,73,00,000
(iv) अन्य बैंक (iv) Other Banks	79,82,000	(iii) दूसरों को (iii) Others	1,90,05,000
(v) अन्य (c) Others	2098,85,82,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण, अधिम और निवेश Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
		(क) ऋण और अधिमः— (a) Loans and Advances to :—	
		(i) राज्य सरकारों को (i) State Governments	81,75,71,000
		(ii) राज्य सहकारी बैंकों को (ii) State Co-operative Banks	16,37,48,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को (iii) Central Land Mortgage Banks	..
		(iv) कृषि पुनर्वित्त और विकास नियम को (iv) Agricultural Refinance and Development Corporation	135,35,00,000
		(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश (b) Investment in Central Land Mortgage Bank Debentures	8,45,82,00
अन्य देयताये देय बिल Bills Payable	112,31,73,000	राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अधिम Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
Other Liabilities	860,59,39,000	राज्य सहकारी बैंकों को ऋण और अधिम Loans and Advances to State Co-operative Banks	80,29,55,000

देयताएं LIABILITIES	रुपये Rs.	आस्तियां ASSETS	रुपये Rs.
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण, अग्रिम और निवेश Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(क) विकास बैंक का ऋण और अग्रिम (a) Loans and Advances to the Development Bank	510,58,64,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/ डिबेंचरों में निवेश (b) Investment in bonds/debentures issued by the Development Bank	..
		अन्य आस्तियां Other Assets	969,44,52,000
रुपये Rupees	5876,66,38,000	रुपये Rupees	5876,66,38,000

दिनांक: 30 मार्च, 1977
Dated: the 30th day of March, 1977

के० आर० पुरी, गवर्नर
K. R. PURI, Governor,
[सं० एफ० 10/2/77-बी० ओ०-1]
ब० व० मीरचन्दानी, अवर सचिव
[No. F.10/2/77-B.O.-1]
C.W. MIRCHANDANI, Under Secy.

CENTRAL OFFICE
(Department of Accounts and Expenditure)
CORRIGENDUM
Bombay, the 12th April, 1977

S.O. 1238. In the statement of Affairs of the Reserve Bank of India, Banking Department as on 25th February, 1977, published in Part II Section 3(ii) of the Gazette of India dated 26th March, 1977, the following corrigendum may be noted.

On page 1156 the figures Rs. 9,94,15,000 under the head "Investment in Central Land Mortgage Bank Debentures" may be read as Rs. 9,04,16,000.

Yours faithfully,
[Ref. Gen. No. 602/4-76/77]

Sd/-
P. Chief Accountant.
Sd. Illegible

(अध्यक्ष विभाग)

नई दिल्ली, 7 अप्रैल, 1977

का० आ० 1238.—संविधान के अनुच्छेद 309 के परन्तुक तथा अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखा-नियंत्रण और लेखा विभाग में काम करने वाले व्यक्तियों के संबंध में नियंत्रक महानिष्ठा परीक्षक से परामर्श करने के पश्चात् राष्ट्रपति केन्द्रीय मित्तल सेवा (पेंशन) नियम, 1972 में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का नाम केन्द्रीय मित्तल सेवा (पेंशन) (दूसरा संशोधन) नियम 1976 है।

(2) ये राजपत्र में प्रकाशन की तारीख की प्रवृत्त होंगे।

2. केन्द्रीय मित्तल सेवा (पेंशन) नियम, 1972 में, नियम 26 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:—

26. त्यागपत्र देने पर सेवा का समपूरण:—(1) जब तक नियुक्ति प्राधिकारी द्वारा लोकहित में सेवा वापस लेने की अनुमति न दी जाए तब तक किसी सेवा या पद में त्यागपत्र देने से विगत सेवा समपूरण हो जाएगी;

(2) त्यागपत्र देने से उस वृत्ति में विगत सेवा का समपूरण नहीं होगा जब समुचित अनुशासित से सरकार के अधीन कोई अन्य नियुक्ति, ग्रहण करने के लिए चाहे वह अस्थायी हो या स्थायी तथा वहां जहां सेवा अर्हक होती हो, त्यागपत्र दिया गया हो,

(3) उप-नियम (2) के अन्तर्गत आने वाले किसी मामले में सेवा का व्यवधान, जो दो नियुक्तियों के दो विभिन्न स्थानों पर होने के कारण हुआ हो और स्थानांतरण के नियमों के अधीन अनुज्ञेय कार्यभार ग्रहण करने की अवधि से अधिक का न हो, सरकारी सेवक को उसके कार्यभार छोड़ने की तारीख को शोध्य किसी भी प्रकार की छुट्टी देकर अथवा उस सीमा तक उसे औपचारिक रूप से माफ करके जिस सीमा तक वह अवधि सरकारी सेवक को शोध्य छुट्टी से पूरी न होती हो, दूर कर दिया जाएगा,

(4) नियुक्ति प्राधिकारी किसी भी व्यक्ति को लोकहित में निम्नलिखित शर्तों पर त्यागपत्र वापस लेने की अनुमति दे सकता है, अर्थात्:—

(i) कि सरकारी कर्मचारी ने कुछ ऐसे बाध्यकारी कारणों से त्यागपत्र दिया था जिनमें उसकी सत्यनिष्ठा, दक्षता अथवा आचरण पर कोई आक्षेप नहीं आता था और त्यागपत्र वापस लेने का अनुरोध उन परिस्थितियों में महत्वपूर्ण परिवर्तन आने के परिणामस्वरूप किया गया है जिन्होंने मूलतः उसे त्यागपत्र देने के लिए बाध्य किया था।

(ii) कि त्यागपत्र प्रभावी होने की तारीख और वापस लेने के लिए किए गए अनुरोध की तारीख के बीच के अंतराल की अवधि के दौरान सम्बद्ध व्यक्ति का आचरण किसी भी तरह से अनुचित नहीं था।

- (iii) कि त्यागपत्र प्रभावी होने की तारीख और त्यागपत्र वापस लिए जाने की अनुमति के परिणामस्वरूप कार्यभार करने की तारीख तक की अनुपस्थिति की अवधि 90 दिन से अधिक नहीं है।
- (iv) कि वह पद या सरकारी सेवक का त्यागपत्र स्वीकार किये जाने पर रिक्त हुआ या शेषवा कोई अन्य समान पद उपलब्ध है,
- (5) जहाँ कोई सरकारी सेवक अपनी सेवा शेषवा पद से किसी प्राइवेट वाणिज्यिक कंपनी में शेषवा उसके अंतर्गत शेषवा सरकार पूर्णतया या मायत. सरकार के स्वामित्वाधीन शेषवा नियंत्रणाधीन किसी निगम शेषवा कंपनी में शेषवा उसके अंतर्गत शेषवा सरकार द्वारा नियंत्रित शेषवा वित्तपोषित किसी निकाय में शेषवा उसके अधीन नियुक्ति पाने के उद्देश्य से त्याग-पत्र देता है वहाँ नियुक्ति प्राधिकारी द्वारा त्याग-पत्र वापस लेने का अनुरोध स्वीकार नहीं किया जाएगा,
- (6) जब नियुक्ति प्राधिकारी द्वारा, किसी व्यक्ति के त्याग-पत्र वापस लेने तथा कार्यभार करने संबंधी अनुमति का आदेश पारित कर जाए तो यह समझा जाएगा कि ऐसे आदेश में सेवा में व्यवधान की माफी भी सम्मिलित है किन्तु व्यवधान की अवधि अर्द्धक सेवा नहीं मानी जाएगी।"

[सं० फा० 6(13)-संस्था० (क)/72]

एम० एम० एल० मल्लोत्रा, अवर सचिव

(Department of Expenditure)

New Delhi, the 7th April, 1977

S.O. 1239.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely :—

1. (1) These rules may be called the Central Civil Services (Pension) (Second Amendment) Rules, 1977.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972, for Rule 26, the following rule shall be substituted, namely :—

"26. Forfeiture of service on resignation.—(1) Resignation from a service or post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.

(3) Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

(4) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely :—

(i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation ;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper.

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than 90 days ;

(iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service."

[No F. 6(13)-FV(A)/72]

S. S. L. MALHOTRA, Under Secy.

केन्द्रीय उत्पाद तथा सीमा शुल्क समाहर्तारिय,

पटना, 17 फरवरी, 1977

केन्द्रीय उत्पाद

क्र० भा० 1240.—केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 5 के अधीन दी गई शक्तियों का प्रयोग करने हुए मैं, इसके द्वारा केन्द्रीय उत्पाद शुल्क नियमावली 1944 के नियम 173 ओ के खंड (1) में यथा प्रस्तावित नियम 185 के उपनियम (2) और 185 के उपनियम (1), जिसे भारत सरकार (राजस्व और बैंकिंग विभाग) की अधिसूचना सं० 5/77 के० उ० ता० 29-1-77 के जरिए संशोधित किया गया है, के विषय में केन्द्रीय उत्पाद शुल्क के अधीनशर्तों को अपने अधिकार क्षेत्र में 'समाहर्ता' की शक्तियों का प्रयोग करने के लिए प्राधिकृत करता हूँ।

[सं० 1/सी एक्स/एम पी/77/सं० IV(16)30/59/खण्ड III/13501-

605]

हरिनारायण साहू, समाहर्ता

Office of the Collector of Central Excise

Patna, the 17th February, 1977

CENTRAL EXCISES

S.O. 1240.—In exercise of the powers conferred upon me under Rule (5) of the Central Excise Rules 1944, I hereby authorise the SUPERINTENDENTS of Central Excise to exercise within their respective jurisdictions the powers of "Collector", under sub-rule (2) of Rule 185 as substituted in clause (1) of Rule 173 O and sub-rule (1) of Rule 185 of the Central Excise Rules, 44 as amended by Government of India (Department of Revenue & Banking) Notification No. 5/77-CE dated 29-1-1977.

[No. 1/CX/MP/77/C No. IV(16)/30/59/

Vol. III/13503 610]

H. N. SAHU, Collector

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 30 अप्रैल 1977

क्र० आ० 1241—भारत के निर्यात व्यापार के विकास के लिए, वाणिज्य मंत्रालय तथा उनके निष्पत्तियों की नीति और भवों की उनके निर्मित

से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन जाने के लिए कतिपय प्रस्ताव, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम II के उप-नियम (2) द्वारा अपेक्षित के अनुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का० आ० 2004, तारीख, 12 जून, 1976 के अन्तर्गत भारत के राजपत्र भाग-II खण्ड-3 उप-खण्ड-3 (ii) तारीख 12 जून, 1976 में प्रकाशित किए गए थे;

और उसने प्रभावित होने वाले सभी खासों में 13 जुलाई, 1976 तक आक्षेप तथा सुझाव मांगे गए थे;

और जनता को उक्त राजपत्र की प्रतियां 14 जून, 1976 तक उपलब्ध करा दी गई थी;

और उक्त आरूप पर जनता ने कोई भी आक्षेप तथा सुझाव प्राप्त नहीं हुआ है;

अतः, अब निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, केन्द्रीय सरकार निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात् यह राय होने पर कि भारत के निर्यात व्यापार के लिए ऐसा करना आवश्यक तथा समीचीन है, भारत सरकार के अतुल्य विदेश व्यापार मंत्रालय की अधिसूचना सं० का० आ० 3310, तारीख, 7 अक्टूबर, 1970 में निम्नलिखित संशोधन करती है, अर्थात्:—

(i) उपाखण्ड-I में, क्रम संख्या 51 तथा उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अन्तर्स्थापित किया जाएगा, अर्थात्:—

- “52. निकोटीन सल्फेट
53. एथिल पैराथियन
54. एल्यूमीनियम फॉस्फाइड”

(ii) उपाखण्ड-II में क्रम संख्या 51 तथा उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अन्तर्स्थापित किया जाएगा, अर्थात्:—

- “52. निकोटीन सल्फेट
53. एथिल पैराथियन
54. एल्यूमीनियम फॉस्फाइड”

[सं० 6(3)/76-नि०नि० तथा नि०उ०]

MINISTRY OF COMMERCE ORDER

New Delhi, the 30th April, 1977

S.O. 1241.—Whereas for the development of the export trade of India certain proposals for subjecting three additional items of pesticides and their formulations to quality control and inspection prior to export were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, in the Gazette of India, Part-II-Section 3-Sub-Section (ii) dated the 12th June, 1976 under the Order of the Government of India in the Ministry of Commerce No. S.O. 2004, dated the 12th June, 1976;

And whereas objections and suggestions were invited till the 13th July 1976 from all persons likely to be affected thereby;

And whereas copies of the said Gazette were made available to the public on the 14th June, 1976,

And whereas no objection and suggestions were received from the public on the said draft.

Now, therefore, in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, being of opinion

that it is necessary and expedient so to do for the development of the export trade of India hereby makes the following amendments to the notification of the Government of India in the late Ministry of Foreign Trade, No. S.O. 3310, dated the 7th October, 1970, namely:—

In the said notification,—

(i) In Annexure—I, after serial No. 51 and the entry relating thereto, the following shall be inserted, namely:—

- “52. Nicotine Sulphate
53. Ethyl Parathion
54. Aluminium Phosphide”

(ii) in Annexure-II, after serial no. 51 and the entry relating thereto, the following shall be inserted, namely:—

- “52. Nicotine Sulphate
53. Ethyl Parathion
54. Aluminium Phosphide”

[No. 6(3)/76-EI&EP]

का० जा० 1242—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार नाशिकीकरण तथा उनके निरूपणों के निर्यात (निरीक्षण) नियम, 1970 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इस नियमों का नाम नाशिकीकरण तथा उनके निरूपणों का निर्यात (निरीक्षण) संशोधन नियम, 1977 है;

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. नाशिकीकरण तथा उनके निरूपणों के निर्यात (निरीक्षण) नियम, 1970 की अनुसूची में क्रम सं० 51 तथा उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित संख्या तथा प्रविष्टि अन्तर्स्थापित की जाएगी, अर्थात्:—

- “52. निकोटीन सल्फेट
53. एथिल पैराथियन
54. एल्यूमीनियम फॉस्फाइड”

[सं० 6(3)/76-नि०नि० तथा नि०उ०]

के० बी० बालसुब्रह्मण्यम्, उप निदेशक

S.O. 1242.—In exercise of the power conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Pesticides and their Formulations (Inspection) Rules, 1970, namely:—

1. (1) These rules may be called the Export of Pesticides and their Formulations (Inspection) Amendment Rules, 1977;

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Schedule to the Export of Pesticides and their Formulations (Inspection) Rules, 1970, after serial No. 51, and the entry relating thereto, the following shall be inserted, namely:—

- “52. Nicotine Sulphate
53. Ethyl Parathion
54. Aluminium Phosphide”

[No. 6(3)/76-EI&EP]

K. V. BALASUBRAMANIAN, Dy. Director

(विदेश व्यापार विभाग)

उप-मुख्य निर्यातक, आयात-निर्यात का कार्यालय

प्रादेश

अहमदाबाद, 8 मार्च, 1977

का०आ० 1243.—सर्वश्री सुपर इन्डस्ट्रीज एम-38 म्युनिसिपल इन्डस्ट्रियल इस्टेट, बापूनगर, अहमदाबाद-23 को अलाय पेन प्वाइंट का आयात करने के लिए 4500 रुपये (चार हजार पांच सौ रुपये मात्र) के लिए लाइसेंस संख्या पी/एस/1839190, दिनांक 28-1-1976 प्रदान किया गया था।

उन्होंने उपर्युक्त लाइसेंस (केवल सीमा शुल्क प्रयोजन प्रति) की 2774 रुपये के लिए अनुलिपि प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क प्रयोजन प्रति सीमा शुल्क कार्यालय, अहमदाबाद के पास पंजीकृत कराने के बाद खो गई है और उसका 1726 रुपये के लिए उपयोग कर लिया गया था। अपने तर्क के समर्थन में, आवेदक ने एक शपथ-पत्र दाखिल किया है।

मैं संतुष्ट हूँ कि लाइसेंस संख्या पी/एस/1839190, दिनांक 28-1-76 की सीमा शुल्क प्रयोजन प्रति खो गई है और निवेश देता हूँ कि लाइसेंस की उक्त सीमा शुल्क प्रयोजन प्रति की अनुलिपि आवेदक फर्म को जारी की जानी चाहिए।

लाइसेंस संख्या पी/एस/1839190, दिनांक 28-1-76 की मूल सीमा शुल्क प्रयोजन प्रति रद्द की जाती है।

[फा० सं० 945/ईयू/029723/ए.एम-75/एन पी/एयू/एस.एम.आई/8845]

(Dept. of Foreign Trade)

Office of the Dy. Chief Controller of Imports and Exports

ORDER

Ahmedabad, the 8th March, 1977

S.O. 1243.—M/s. Super Industries, S-38 Municipal Industrial Estate, Bapunagar, Ahmedabad-23 has been granted licence No. P/S/1839190 dated 28-1-1976 for Rs. 4500/- (Rupees Four Thousand five Hundred only) for import of Alloy Pen Points.

They have applied for duplicate copy of the said licence for Rs. 2774/- (Custom Purpose copy only) on the ground that the original Custom purpose copy has been lost after having been registered with Ahmedabad custom house and utilised for Rs. 1726/-.

In support of their claim, applicant has filed an affidavit.

I am satisfied that custom purpose copy of licence No. P/S/1839190 dated 28-1-76 has been lost and direct that the duplicate of the said custom purpose copy of the licence should be issued to the applicant firm.

The original custom purpose copy of licence No. P/S/1839190 dated 28-1-76 is cancelled.

[F. No. 945/EU/AM-75/NP/AU/SSI/8845]

प्रादेश

अहमदाबाद, 22 मार्च, 1977

का०आ० 1244.—सर्वश्री एल एम पी प्रिंसिपल इंजीनियरिंग कं० प्रा० लि० महादेव नगर, बिलिमोरा, जिला बुलसर को क्रम सं० 17-11-एफ/1 आदि के अन्तर्गत अनुमति माप के सीमालेस का आयात करने के लिए दो लाइसेंस सं० पी/एस/1393359 और 1393361 दिनांक 9-1-75 क्रमशः 5,00,000 (पांच लाख रुपये मात्र) एवं 3,00,000 (तीन लाख रुपये मात्र) के लिए प्रदान किए गए थे।

2. उन्होंने उपर्युक्त लाइसेंसों की 458257.00 और 220296.00 रुपये (केवल सीमा शुल्क प्रयोजन प्रति) की अनुलिपि प्रतियों के लिए 16 GI/77-2

इस आधार पर आवेदन किया है कि मूल सीमा शुल्क प्रयोजन प्रतियां सीमा शुल्क कार्यालय बम्बई के पास पंजीकृत कराने के बाद और उनका 41,743.00 रुपये और 79,704.00 रुपये तक का उपयोग करने के बाद खो गई है।

अपने दावे के समर्थन में, आवेदक ने एक शपथ पत्र दाखिल किया है।

मैं संतुष्ट हूँ कि लाइसेंस सं० पी/एस/1393359 और पी/एस/1393361 दिनांक 9-1-75 की सीमा शुल्क प्रयोजन प्रतियां खो गई हैं और निवेश देता हूँ कि लाइसेंस की उपर्युक्त सीमा शुल्क प्रयोजन प्रतियां आवेदक फर्म को जारी की जानी चाहिए।

लाइसेंस सं० पी/एस/1393359 और पी/एस/1393361 दिनांक 9-1-75 की मूल सीमा शुल्क प्रयोजन प्रतियां रद्द की जाती हैं।

[फा० सं० 565/ईयू 22638/पी० 6/ए.एम० 75/एस.एम.आई/9081]
डी० डी० सूजा, उप-मुख्य निर्यातक

ORDFR

Ahmedabad, the 22nd March, 1977

S.O. 1244.—M/s. LMP Precision Engineering Co. Pvt. Ltd Mahadev Nagar, Bilimora Dist. Bulsar has been granted licence Nos. P/S/1398359 & 1393361 dated 9-1-75 for Rs. 500000/- (Rs. Five lacks only) and Rs. 300000 (Rs. Three lakhs only) respectively for permissible sizes of seamless (2) under Sr. No. 17.11.F/I etc.

They have applied for duplicate copies of the said licences for Rs. 458257 and Rs. 220296 (Custom Purpose Copies only) on the ground that the original Custom Purposes copies have been lost after having been registered with Custom House Bombay and utilised Rs. 41,743 Rs. 79704.

In support of their claim, applicant has filed an affidavit.

I am satisfied that custom purposes copies of licence No. P/S/1393359 and P/S/1393361 dated 9-1-75 have been lost and direct that the duplicate of the said Custom Purposes copies of the licences should be issued to the applicant firm.

The original Custom Purposes copies of licence Nos. P/S/1393359 and P/S/1393361 dated 9-1-75 are cancelled.

[F. No. 565/EU/22638/p. 6/AM-75/SSI/9081]
D. D. SOUZA, Dy. Chief Controller

मुख्य-निर्यातक, आयात-निर्यात का कार्यालय

प्रादेश

नई दिल्ली, 14 अप्रैल, 1977

का०आ० 1245.—सर्व श्री वोल्टाज लि०, 2 पोखरण रोड, थाना (महाराष्ट्र) को सामान्य मुद्रा क्षेत्र से लाइसेंस में की सलगन सूची के अनुसार 13,24,000 रुपये के कच्चे माल/संघटकों का आयात करने के लिए आयात लाइसेंस सं० पी/डी/2199908/सी/एकम०एकम०/55/एच/39-40 दिनांक 20-6-75 प्रदान किया गया था।

2. उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमा-शुल्क और मुद्रा विनियम नियंत्रण प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमा-शुल्क प्रयोजन तथा मुद्रा विनियम नियंत्रण प्रयोजन प्रति उनसे खो गई है या अस्थानस्थ हो गई है। लाइसेंसधारी द्वारा प्रागे यह भी सूचना दी गई है कि लाइसेंस में 17,609.00 रुपये की शेष धन राशि अग्रयुक्त थी। लाइसेंस बम्बई में पंजीकृत था।

3. अपने तर्क के समर्थन में, आवेदक ने एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि ला० सं० पी/डी/2199908 दिनांक 20-6-75 की मूल सीमा शुल्क और मुद्रा विनियम नियंत्रण प्रयोजन प्रति खो गई या अस्थानस्थ हो गई है और अतः निवेश देता है कि आवेदक को उपर्युक्त ला० की अनुलिपि सीमा-शुल्क प्रयोजन तथा मुद्रा विनियम नियंत्रण प्रति की अनुलिपि जारी की जानी चाहिए। ला० की

मूल सीमा-शुल्क प्रयोजन तथा मुद्रा विनिमय नियंत्रण प्रयोजन प्रति एतद्-द्वारा रद्द की जाती हैं।

4. उपर्युक्त ला० की अनुलिपि सीमा शुल्क प्रयोजन तथा मुद्रा विनिमय नियंत्रण प्रति मूल से जारी की जा रही हैं।

[संख्या मिसिल सं० एटो V/2(4)/ए०एम०-75/आर एम-4/34]
एन० ए० कोहली, उप-मुख्य नियंत्रक
हुते मुख्य नियंत्रक

CHIEF OF THE CONTROLLER OF IMPORTS AND EXPORTS ORDER

New Delhi, the 14th April, 1977

S.O. 1245.—M/s. Voltas Ltd., 2nd Pokhran Road, Thana (Maharashtra), were granted import licence No. P/D/2199-908/C/XX/55/H/39-40 dated 20-6-75 for import of Raw Materials/Components as per list attached to it valued at Rs. 13,24,000/- from : G.C.A.

2. They have requested for the issue of duplicate Customs and Exchange purposes copies of the above said licence on the ground that the original Customs & Exchange purposes copies have been lost or misplaced by them. It has been further reported by the licensee that the licence had an unutilised balance of Rs. 17,609/-. The licence was registered at Bombay.

3. In support of their contention, the applicant have filed an Affidavit. The undersigned is satisfied that the original Customs and Exchange purposes copies of Import Licence No. : P/D/2199908 dated 20-6-75 has been lost or misplaced and hence directs that a duplicate Customs and Exchange copy of the said licence should be issued to the applicant. The original Customs and Exchange copies of the licence is hereby cancelled.

4. The Duplicate Customs and Exchange purposes copies of the said licence are being issued separately.

[File No. Auto-V-2(4)/AM-75/RM-4/34]
N. A. KOHLI, Dy. Chief Controller.

for Chief Controller

आदेश

नई दिल्ली, 12 अप्रैल, 1977

का०आ० 1246—यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए अधो-हस्ताक्षरी, सर्वश्री हिन्दुस्तान एरोनेटिक लि०, नासिक डिवाइज, डाकघराना, मोहान टाउनशिप, जिला नासिक सातक नासिक (महाराष्ट्र राज्य) को 2,60,000 रुपये के लिए जारी किए गए लाइसेंस संख्या पी/सी/2029009 सी/एक्स एक्स 45/एच/35-36/सीजी-2 दिनांक 3-1-1973 को एतद्द्वारा रद्द करता है। आयात लाइसेंस 2-1-74 तक वैध था और उसका वैधता अवधि में ही पूरा-पूरा उपयोग कर लिया गया था।

इसको रद्द करने का कारण यह है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति लाइसेंसधारी द्वारा खो गई/अस्थानस्थ हो गई है और उन्होंने उसके बदले में अनुलिपि लाइसेंस जारी करने के लिए आवेदन किया है।

[संख्या सी०जी० 2/डी० ई०एफ० (109)/72-73/61]

ORDER

New Delhi, the 12th April, 1977

S.O. 1246.—In exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955 dated 7-12-1955 as amended, the undersigned hereby cancels the Customs purposes copy of the licence No. I/C/2029009/C/XX/45/H/35-36 CG-II dated 3-1-1973 for Rs. 2,60,000/- issued to

M/s. Hindustan Aeronautics Ltd., Nasik Division, P.O. Ojhar Township—Niphad Taluka Nasik Distt. (Maharashtra State). The import licence was valid upto 2-1-74 and has been fully utilised within the validity period.

The reasons for the cancellation is that the customs purposes copy of the licence has been lost/misplaced by licensee who had requested for the issue of duplicate licence in lieu thereof.

[File No. CG-II/D.E.F. (109)/72-73/61]

आदेश

नई दिल्ली, 14 अप्रैल, 1977

का०आ० 1247.—यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए अधोहस्ताक्षरी मुख्य अभियन्ता, राजस्थान राज्य बिजली बोर्ड, जयपुर को 24,22,048 रुपये के लिए जारी किए गए लाइसेंस सं० जी/एच०/पी०/2075705/एस/आई०बी०/26/6/एच/26/सीजी-11 दिनांक 8-2-68 की मुद्रा विनिमय नियंत्रण प्रयोजन प्रति एतद्द्वारा रद्द करता है। लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रयोजन प्रति 19,38,251 रुपए मात्र के लिए उपयोग कर ली गई थी।

इसको रद्द करने का कारण यह है कि लाइसेंस की मुद्रा विनिमय नियंत्रण प्रयोजन प्रति लाइसेंसधारी द्वारा खो गई/अस्थानस्थ हो गई है, और उन्होंने उसके बदले में शेष अप्रयुक्त 4,83,797 रुपए मात्र के लिए अनुलिपि लाइसेंस (मुद्रा विनिमय नियंत्रण) प्रति जारी करने के लिए अनुरोध किया है।

[संख्या सी०जी० II/एच०ई०पी०/आर-7/67-68/70]

एन०, आर० शर्मा, उप-मुख्य नियंत्रक
हुते मुख्य नियंत्रक

ORDER

New Delhi, the 14th April, 1977

S.O. 1247.—In exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955 dated 7-12-1955 as amended, the undersigned hereby cancels the exchange control purposes copy of the licence No. G/HP/207570/5/S/IB/26/6/H/26/CGII dated 8-2-68 for Rs. 24,22,048 issued to the Chief Engineer, Rajasthan State Electricity Board, Jaipur. The original exchange control purposes copy of the licence was utilised for Rs. 19,38,251 only.

The reason for the cancellation is that the exchange control purposes copy of the licence has been lost/misplaced by the licensee who had requested for the issue of duplicate licence (EC) copy in lieu thereof for the unutilised balance of Rs. 4,83,797 only.

[No. CGII/HEP/R-7/67-68/70]

N. R. SHARMA, Dy. Chief Controller
for chief controller

आदेश

नई दिल्ली, 15 अप्रैल, 1977

का०आ० 1248.—सर्वश्री मार्निंग एण्ड एलाईड मशीनरी कार्पोरेशन, लि० बुर्गापुर को 66,31,360 रुपए (छियासठ लाख इकत्तर हजार तीन सौ साठ रुपए मात्र) के लिए एक आयात लाइसेंस संख्या आई/ए/1399272/टी/ओ/आर 50/एच/37-38, दिनांक 25-4-74 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि प्रति जारी करने के लिए हम आधार पर आवेदन किया है कि मूल सीमा शुल्क प्रयोजन प्रति अस्थानस्थ हो गई है। आगे यह भी बताया गया है कि मूल सीमा शुल्क प्रयोजन प्रति सीमा शुल्क सदन, कलकत्ता में पंजीकृत कराई गई थी और आंशिक रूप से उपयोग की गई थी। इस का

51,50,854 रुपए तक उपयोग किया गया था और इस पर 16-9-1976 को 14,80,506 रुपए का उपयोग करना बाकी था।

इस तर्क के समर्थन में आवेदक ने सहायक सीमा शुल्क समाहर्ता, एग्जिग ग्रुप-3 कलकत्ता से प्रमाण पत्र के साथ एक शपथ-पत्र दाखिल किया है। तबनुसार, मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई है। अतः यथा संशोधित आयात (नियंत्रण) अधिनियम, 1955 दिनांक 7-12-1955 की उप-धारा 9 (सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री माइनिंग एण्ड एलाईड मशीनरी कार्पोरेशन लि० को जारी किए गए आयात लाइसेंस संख्या आई/ए/1399272/टी/ओ/प्रार/50/एच/37-38, दिनांक 25-4-1974 की मूल सीमा शुल्क प्रयोजन प्रति एतद्वारा रद्द की जाती है।

लाइसेंसधारी को उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि प्रति प्रालय से जारी की जाती है।

[संख्या एम/27/73-74/वीएलएस(ए)]

एल० प्रसाद, उप-मुख्य नियंत्रक
रूने मुख्य नियंत्रक

ORDER

New Delhi, the 15th April, 1977

S.O. 1248.—M/s. Mining & Allied Machinery Corporation Limited, Durgapur, were granted an import licence No. I/A/1399272/T/OR/50/H/37-38 dated 25-4-74 for Rs. 66,31,360 (Rupees Sixty Six lakhs, thirty one thousands three hundred and sixty only). They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been misplaced. It is further stated that the original Customs Purposes copy was registered with the Customs authorities at Calcutta and utilised partly. It was utilised for Rs. 51,50,854 and the balance available on it was Rs. 14,80,506 as on 16-9-1976.

In support of this contention the applicant has filed an affidavit alongwith a certificate from Assistant Collector of Customs, Appraising Group III, Calcutta. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore, in exercise of the powers conferred under Sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy of licence No. I/A/1399272/OR/50/H/37-38 dated 25-4-1974 issued to M/s Mining and Allied Machinery Corpn. Ltd., is hereby cancelled.

A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. M/27/73-74/PLS(A)]

L. PRASAD, Dy. Chief Controller
for Chief Controller

नागरिक पूर्ति और सहकारिता मंत्रालय

नई दिल्ली, 15 अप्रैल, 1977

का. आ. 1249.—केंद्रीय सरकार, अग्रिम सीवड़ा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन रोहतक कृष्णा ट्रीडिंग कं. लि., रोहतक द्वारा मान्यता के नवीकरण के लिए किए गए आवेदन पर बाजार आयोग के परामर्श से विचार करके और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त एसोसिएशन को गूड़ की अग्रिम सीवड़ाओं के बारे में 28 दिसम्बर, 1976 से 27 दिसम्बर, 1977 (जिसमें ये दोनों दिन भी सम्मिलित हैं) को एक वर्ष की अतिरिक्त कालावधि के लिए मान्यता प्रदान करती हैं।

2. एतद्वारा प्रदत्त मान्यता इस शर्त के अधीन है कि उक्त एसोसिएशन ऐसे निदेशों का अनुपालन करेगी जो बायदा बाजार आयोग द्वारा समय-समय पर दिए जाएं।

[मिसिल संख्या 12(26)-आई. टी./76]

MINISTRY OF CIVIL SUPPLIES & COOPERATION

New Delhi, the 15th April, 1977

S.O. 1249.—The Central Government, in consultation with the Forward Markets Commission, having considered the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Rohtak Krishna Trading Company Ltd., Rohtak and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act recognition to the said Company for a further period of one year from the 28th December, 1976 to the 27th December, 1977 (both days inclusive) in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Company shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[Fo. No. 12/61-IT/76]

का. आ. 1250.—केंद्रीय सरकार, अग्रिम सीवड़ा (विनियमन) अधिनियम 1952 (1952 का 74) की धारा 5 के अधीन सेन्ट्रल काटन डीलर्स एसोसिएशन, बड़ौदा द्वारा मान्यता के नवीकरण के लिए किए गए आवेदन पर बायदा बाजार के परामर्श से विचार करके और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त एसोसिएशन को कपास की अग्रिम सीवड़ाओं के बारे में, 16 अप्रैल, 1977 से 15 अप्रैल, 1978 (जिसमें ये दोनों दिन भी सम्मिलित हैं) को एक वर्ष की अतिरिक्त कालावधि के लिए मान्यता प्रदान करती हैं।

2. एतद्वारा प्रदत्त मान्यता इस शर्त के अधीन है कि उक्त एसोसिएशन ऐसे निदेशों का अनुपालन करेगा जो बायदा बाजार आयोग द्वारा समय-समय पर दिए जाएं।

[मिसिल संख्या 12(1)-आई. टी./76]

ए. मुबाय, उप-सचिव

S.O. 1250.—The Central Government, having considered in consultation with the Forward Markets Commission the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Central Gujarat Cotton Dealers' Association, Branch and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association for a further period of one year from the 16th April, 1977 to the 15th April, 1978. (both days inclusive), in respect of forward contractors in cotton.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions, as may, from time to time, be given by the Forward Markets Commission.

[File No. 12(1)-IT/76]

A. MUBAYI, Dy. Secy.

कृषि और सिंचाई मंत्रालय**(ग्राम विकास विभाग)**

नई दिल्ली, 11 अप्रैल, 1977

का० जा० 1251—कृषि उपज (श्रेणीकरण और चिह्नांकन) अधिनियम 1937 (1937 का 1) की धारा 3 की अपेक्षानुसार, कच्चा मांस (शीतल या हिमायित) श्रेणीकरण और चिह्नांकन नियम 1976 का प्रारूप, भारत सरकार के कृषि और सिंचाई मंत्रालय (ग्राम विकास विभाग) की अधिसूचना सं० का० प्रा० 466, तारीख 3 जनवरी, 1976 के अधीन, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 24 जनवरी, 1976 के पृष्ठ 522 से 535 पर प्रकाशित किया गया था, जिसमें उस तारीख से, जिसकी उक्त अधिसूचना वाले राजपत्र की प्रतियां जनता को उपलब्ध कराई गई थी, 30 दिन की अवधि की समाप्ति के पूर्व उन सभी व्यक्तियों से आक्षेप और सुझाव मांगे गए थे, जिनके उनसे प्रभावित होने की संभावना थी ;

और उक्त राजपत्र की प्रतियां 24 जनवरी, 1976 को जनता को उपलब्ध करा दी गई थी ;

और केन्द्रीय सरकार ने उक्त प्रारूप की बाबत प्राप्त आक्षेपों और सुझाव पर विचार कर लिया है ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

कच्चा मांस (शीतल या हिमायित) श्रेणीकरण और चिह्नांकन नियम, 1977।

1. नक्षिण नाम प्रारम्भ और लागू होना :—(1) इन नियमों का नाम कच्चा मांस (शीतल या हिमायित) श्रेणीकरण और चिह्नांकन नियम 1977 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

(3) ये भारत में उत्पादित, भैंस, भेड़ और बकरी से प्राप्त मांस पर लागू होंगे।

2. परिभाषाएं.—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,

(i) “कृषि विपणन सलाहकार” से भारत सरकार का कृषि विपणन सलाहकार अभिप्रेत है ;

(ii) “पशु” से ऐसा पशु अभिप्रेत है, जो नीचे विनिर्दिष्ट जातियों में से किसी का हो, अर्थात्

(क) भैंस, (ख) भेड़, (ग) बकरी ;

(iii) “भैंस का बीक” से ऐसी भैंस का शव अभिप्रेत है जो 12 मास से अधिक आयु की हो और जिसका भार 100 किलोग्राम से अधिक हो ;

टिप्पण : “भैंस का बीक” शब्द एगमार्क लेबल के ऊपर प्रकार के सामने लिखे जाएंगे,

(iv) “हड्डिरहित मांस” से ऐसा प्रसाधित मांस अभिप्रेत है जो गिराओं उपस्थित, हड्डियों और बियोज्य नसों से रहित हो ;

(v) “बछड़े का मांस” से ऐसे पशु से प्राप्त अग्रोड़ भैंस का शव अभिप्रेत है जो 4 मास से अधिक का हो और जिसका भार 30 किलोग्राम से कम तथा 100 किलोग्राम से अधिक हो।

टिप्पण : “बछड़े का मांस” शब्द एगमार्क लेबल के ऊपर “प्रकार” के सामने लिखे जाएंगे ;

(vi) “पशुशव” से ऐसे पशु का मृत शरीर या उसका कोई भाग, जिसके अन्तर्गत अंतर्द्विषा भी हैं, अभिप्रेत है जिसका संबंधाग्न प्रणाली से बंध किसी अनुमोदित बंधशाला में किया गया हो ;

(vii) “शीतल” से यह अभिप्रेत है कि पशुशव/कट/कीमा का आन्तरिक तापमान किसी भी अवस्था में, जिसके अन्तर्गत डाकों/पतनों पर की अवस्था आती है, 5° से० से अधिक न हो।

टिप्पण : पशुशव शीतगार में इस प्रकार लटकाए जाएंगे कि वे कम से कम छत से 20 से० मी० फर्श से 10 से० मी० और दीवारों से 30 से० मी० की दूरी पर रहे। कट/कीमा शीतगार में, स्वच्छ रैको पर इस प्रकार रखा जाएगा कि वह कम से कम छत से 20 से० मी० फर्श से 10 से० मी० और दीवारों से 30 से० मी० की दूरी पर रहे ;

(viii) “कट” से आयातकों की अपेक्षाओं के अनुरूप आकार के प्रसाधित और हड्डी रहित मांस से प्राप्त मांस अभिप्रेत है ;

(ix) “फिनिश” से बाह्य बसा भावरण और नेहगुहा बसा अभिप्रेत है ;

(x) “हिमायित” से यह अभिप्रेत है कि पशुशव/मांस का आन्तरिक तापमान द्रुत हिमायन से 20° से० तक पहुंच जाएगा और किसी भी अवस्था में, जिसके अन्तर्गत डाको/पतनों पर की अवस्था आती है, 10° से० मी० से अधिक न होगा। पशुशव मांस को स्वच्छ रैको पर कम से कम छत से 20 से० मी०, फर्श से 10 से० मी० और दीवारों से 30 से० मी० की दूरी पर लटकाया जाएगा तथा मांस काटने के पश्चात् तुरन्त पैक किया जाएगा और स्वच्छ रैकों पर कम से कम छत से 20 से० मी०, फर्श से 10 से० मी० और दीवारों से 30 से० मी० दूर रखा जाएगा।

(xi) “अड्डो” से रीढ़ के मध्य से विभाजित कर दो बराबर अड्डों में विभक्त किया गया बिना कटा हुआ पशुशव, या आड़ी प्रक्रिय द्वारा या कशेका से काट कर रीढ़ को हटाना अभिप्रेत है ;

(xii) “निरीक्षण अधिकारी” से कृषि विपणन सलाहकार द्वारा निरीक्षण अधिकारी के रूप में नियुक्त या मन्व्य किया गया सरकारी पशु-चिकित्सक या कोई अन्य अधिकारी अभिप्रेत है ;

(xiii) “लीन” से वह मांस अभिप्रेत है जो वृष्यवर्षी से रहित हो ;

(xiv) “टांग” से पुट्टों के सम्मुख का एकल या अविभक्त भाग अभिप्रेत है ;

(xv) “मिन्ड मांस (कीमा/मिन्स)” से एक समकण बल संवृणित मांस अभिप्रेत है जो हड्डीरहित मांस से प्राप्त हो ;

(xvi) “मटन” से, ऐसी भेड़ या बकरी से अभिप्राप्त भेड़ या बकरी का शव अभिप्रेत है, जिसकी आयु 12 मास से अधिक है। “बीक मटन” शब्द एगमार्क लेबल पर “टाइप” के सामने लिखे जाएंगे।

(xvii) “शुद्ध भार” से पशुशव/कट/मिन्स का पैक किए जाने के समय का भार अभिप्रेत है किन्तु उसके अन्तर्गत पैकेज या बर्फ का भार नहीं आता है ;

(xviii) “बौथाई” से किसी शव का बौथा भाग या भैंस के सब के बड़े पाश्वर्क अभिप्रेत है जो कि 10वीं और 11वीं पसलियों के बीच या 12वीं और 13वीं पसलियों के बीच आधे के आधे काटे गए हो।

(xix) “अनुसूची” से इन नियमों की अनुसूची अभिप्रेत है।

(xxi) “बध” से पशु का हनन अभिप्रेत है जो कि मानवोचित या कोई अन्य अनुमोदित पद्धति द्वारा किसी अनुमोदित बधशाला में किया गया हो, जहाँ कि पशुओं की मरण-पूर्व और मरणोत्तर परीक्षा की जाती हो।

(xxii) “बधशाला” से ऐसा भवन, परिसर या स्थान अभिप्रेत है जो स्थानीय प्राधिकारी द्वारा मानव उपयोग के लिए प्राशयित पशुओं के बध के लिए बधशाला के रूप में अनुमोदित है। बधशाला को कृषि विपणन सलाहकार द्वारा भी उपयुक्त प्रमाणित किया जाएगा और वह एगमार्क के अधीन कच्चे शीतल/हिमायित मांस के श्रेणीकरण के लिए अनुमोदित में विहित मानकों के अनुरूप होगा।

3. श्रेणी अभिधान:—कच्चे मांस (शीतल/हिमायित) की क्वालिटी उपदर्शित करने के लिए श्रेणी अभिधान वे होंगे जो अनुसूची I से IV के स्तम्भ (1) में दिए गए हैं।

4. विभिन्न श्रेणी अभिधानों की विशेषताएं:—विभिन्न श्रेणी अभिधानों के विशेष और साधारण लक्षण वे होंगे जो अनुसूची I से IV के स्तम्भ (2) और (3) में प्रत्येक श्रेणी अभिधान के सामने दिए गए हैं।

5. श्रेणी अभिधान चिह्न:—श्रेणी अभिधान चिह्न एक लेबल के रूप में होंगे जिस पर श्रेणी अभिधान विनिर्दिष्ट करने वाली अनुसूची में दी गई डिजाइन होगी।

6. श्रेणीकरण की पद्धति:—कच्चा मांस (शीतल हिमायित) का श्रेणीकरण केवल प्राधिकृत परिसर में ही और कृषि विपणन सलाहकार द्वारा समय-समय पर जारी किए गए अनुदेशों के अनुसार किया जाएगा। कच्चा मांस (शीतल हिमायित) का श्रेणीकरण, अभिधान और अन्य विनिर्दिष्टियों, निरीक्षण अधिकारी द्वारा निरीक्षण किए जाने के पश्चात्, उसके द्वारा अंकित की जाएगी।

7. एगमार्क श्रेणीकरण का प्रमाणपत्र:—एगमार्क श्रेणीकरण का प्रमाणपत्र, प्राधिकृत पैकर को लिखित प्रार्थना पर कृषि विपणन सलाहकार द्वारा या उनके द्वारा इस निमित्त प्राधिकृत किसी अधिकारी द्वारा जारी किया जाएगा।

8. पैकिंग की पद्धति:—कच्चा मांस (शीतल हिमायित) को प्राधिकृत परिसर में यथा स्थिति या तो पशुघाव, प्राइमल, या प्रभाग कटों या बिन्स के रूप में और कृषि विपणन सलाहकार द्वारा समय-समय पर इस बारे में जारी किए गए अनुदेशों के अनुसार पैक किया जाएगा।

9. प्रक्रान की पद्धति:—(1) श्रेणी अभिधान चिह्न वाला लेबल प्रत्येक पैकेज पर, कृषि विपणन सलाहकार द्वारा अनुमोदित रीति से दृढ़ता से चिपकाया जाएगा।

(2) श्रेणी अभिधान के अतिरिक्त, निम्नलिखित विनिर्दिष्टियां स्पष्ट रूप से उपदर्शित की जाएंगी:—

(क) प्रकार (ख) श्रेणी (ग) शुद्धभार (घ) सकल भार (ङ) निरीक्षण की तारीख (च) निरीक्षक अधिकारी के हस्ताक्षर:

परन्तु कोई प्राधिकृत पैकर अपने प्राइवेट व्यापार चिह्न की छाप लगा सकेगा या उसे लिख सकेगा, यदि वह व्यापार चिह्न मांस का वही प्रकार और श्रेणी दर्शाता है जो कि एगमार्क लेबल द्वारा उपदर्शित है और कृषि विपणन सलाहकार द्वारा पहले से सम्यक् अनुमोदित कर दिया गया हो।

10. प्राधिकरण की विशेष शक्तें:—(1) एक पैक में केवल एक ही प्रकार का मांस पैक किया जाएगा।

(2) इन नियमों के प्रयोजनार्थ जारी किए गए प्रत्येक प्राधिकरण प्रमाणपत्र के लिए निम्नलिखित शर्तें होंगी, अर्थात्:—

(क) मांस, प्राधिकृत परिसर से चारों ओर 50 कि० मी० की दूरी के अन्तर्गत स्थित बंधशाला से प्राप्त किया जाएगा;

(ख) कृषि विपणन सलाहकार द्वारा परिसर में स्वच्छता, कर्मचारी वर्ग और उपस्कर को सफाई, सैक्रियात्मक प्रक्रिया, प्रतिषेधन की पद्धति, परीक्षण, पैकिंग, प्रसाधन के सभी प्रक्रमों पर कच्चे मांस का प्रक्रम और निरीक्षण और उसके अभिलेखों के रखने के सम्बन्ध में समय-समय पर जारी किए गए सभी अनुदेशों का कड़ाई से अनुपालन किया जाएगा;

(3) परिसर ऐसा होगा जो कृषि विपणन सलाहकार की राय में, उन पशुओं के प्रसंस्करण (संसाधन) के लिए उपयुक्त हों जिनके लिए

उसे प्राधिकरण प्रमाण पत्र दिया गया है। न्यूनतम स्वच्छता सम्बन्धी और अन्य अपेक्षा नीचे दी गई हैं:—

(1) प्राधिकृत परिसर के सभी भाग सदा साफ, पर्याप्त रूप से प्रकाशयुक्त और सजाविल रखे जाएंगे और उन्हें नियमित रूप से साफ, रोगाणुनाशित और निगन्धीकृत किया जाएगा। फर्श भस्म होना चाहिए और उसकी प्रतिदिन रोगाणुनाशकों से धुलाई होगी। यथास्थिति चूने की मफेदी या रंगपुताई या रंगरोगम वर्ष में कम से कम एक बार किया जाएगा। सभी संरचनाओं के फर्श, दीवारों, भीतरी छत, विभाजन, दरवाजे और अन्य भाग ऐसी सामग्री, सनिमार्ग और फिनिश के होंगे कि वे आसानी से और अच्छी तरह से साफ किए जा सकें। दीवारों पर 135 मीटर की ऊँचाई तक सज्जद काथित पोसिबिल टाइल लगी होगी जिससे कि गर्म पानी और रासायनिक रोगाणुनाशकों से उनकी धुलाई हो सके। दीवारों पर फर्श, दरारों और सीलन से मुक्त होगी।

(2) दरवाजे मच्छियों से रक्षित होंगे और स्वतः बंद होने वाले उपकरण युक्त दोहरे दरवाजे वाले होंगे। सभी खिड़कियां और द्वार मच्छियों से रहित होंगे।

(3) भीतरी छत स्थायी स्वरूप की होनी चाहिए और फर्श भस्म सीमेंट का टाइलदार या पत्थर का बिना दरारों वाला और फिसलन रहित होना चाहिए;

(4) परिसर किसी स्वच्छ स्थान पर स्थित होगा जो कार पाकिंग क्षेत्र या जल-संस्करणियों या रसायनों, उर्वरकों, या किसी अन्य ऐसी सामग्री का, जिससे कि मांस की कोई बाह्य गंध प्रदान की जाने या मांस के प्रतिरूषित किए जाने की सम्भावना हो, कारबार करने वाले यूनितों से दूर हो। जहाँ समुद्री उत्पादों, फलों और सब्जियों का कारबार भी उसी क्षेत्र में किया जाता हो, वहाँ मांस के प्रसंस्करण परिसर को इन उत्पादों के प्रसंस्करण परिसर से समुचित रूप से विभक्त किया जाएगा।

(5) परिसर को जाने वाले सड़कें पक्की होंगी।

(6) परिसर सड़की के जालों और मच्छियों से रहित होगा।

(7) परिसर निम्नस्थ क्षेत्र में स्थित नहीं होगा और उसमें कुत्तों, बिल्लियों, कुत्तों, कीटों, मच्छियों, कीबों, जलपावड़ों और गुब्बों का प्रवेश अप्रवर्जित होगा। उन स्थानों में जहाँ प्रसंस्करण चल रहा हो या कोई पैक किया हुआ उत्पाद रखा हो जिनमें या चारे का उपयोग निषिद्ध है।

(8) सभी बाड़े, उपवन, भण्डार और कारखाने को जाने वाले सभी रास्ते सदैव साफ और स्वास्थ्यकर अवस्था में रखे जाएंगे।

(9) परिसर इस प्रकार बना होगा और उसे ऐसे रखा जाएगा कि वहाँ स्वास्थ्यकर प्रसंस्करण और प्रसाधन किया जा सके। पशुघाव मांस के प्रसंस्करण और पैकिंग सम्बन्धी सभी सक्रियाएँ पूर्णतः स्वास्थ्यकर अवस्थाओं में और निरीक्षक अधिकारी के पर्यवेक्षण के अधीन की जाएंगी। प्रसंस्करण परिसर का कोई भी भाग कभी भी रहने या सोने के लिए प्रयुक्त नहीं किया जाएगा, जब तक कि यह प्रसंस्करण/प्रसाधन क्षेत्र से एक द्वीवाल द्वारा पृथक् न किया गया हो।

(10) प्रभावी जल निकासी और नलकारी प्रणाली होगी और सभी नालियां और भोरियां उचित और स्थायी रूप से बनाई जाएंगी। प्रसंस्करण यूनित की जल निकास प्रणाली को प्रसंस्करण भवन के भीतर उन नालियों से नहीं जोड़ा जाएगा जिनमें शौचालयों से या पशु बाड़ों से बहिर्प्रवाही पदार्थ आते हों। प्रवेश छिद्र

रिसनसह होंगे ताकि हकाबट के कारण अपशिष्ट द्रव्य उल्टा बह कर न आ सके

- (11) उपस्कर और अनुमोदित प्रसंस्करण क्षेत्र का नियंत्रित के लिए अभिप्रेत मांस से भिन्न किसी भी अन्य पदार्थ के प्रसंस्करण के लिए प्रयोग भारत सरकार के कृषि विपणन सलाहकार या इस निमित्त उसके द्वारा प्राधिकृत किसी अधिकारी की अनुमति के बिना नहीं किया जाएगा।
- (12) प्राधिकृत परिसर में पर्याप्त शीतसंग्रहण सुविधाएं होंगी।
- (13) शीतसंग्रहागार समय-समय पर धोया जाएगा, बिसंक्रामित किया जाएगा और रक्त तथा मांस के टुकड़ों आदि से मुक्त रखा जाएगा। शीतसंग्रहागार, शीतसंग्रहागार आदेश, 1964 के अधीन नियम अपेक्षाओं के अनुरूप होंगे।
- (14) वे कमरे और कक्ष जिनमें मांस प्रसंस्कृत किया जाता है, धूल से रहित और प्रसाधन, कक्षों, शीशालयों, जलरोक कुण्डों, उप-उत्पाद भण्डार और पशु बाड़ों आदि में निकलने वाली गंध से रहित होंगे।
- (15) प्रसंस्करण क्षेत्र में प्रवेश निर्बंधित होगा और वधशाला या उप-उत्पाद अनुभाग में से प्रसंस्करण कर्मचारियों को स्वच्छ क्षेत्र, अर्थात् प्रसंस्करण या पैकिंग क्षेत्र में प्रवेश नहीं करने दिया जाएगा। सुगमता से पहचाने जाने के लिए, स्वच्छ क्षेत्र के कर्मचारियों की बर्दी वधशाला के अन्य क्षेत्रों में काम करने वाले कर्मचारियों से भिन्न होगी।
- (16) उपस्कर इस प्रकार रखे जाएंगे कि उनका स्वच्छता की बाधत पूर्ण निरीक्षण किया जा सके। पशु भावों के प्रसाधन के लिए प्रयुक्त सभी सेजें और उपस्कर ऐसी सामग्रियों के बने होंगे जो सुगमता से साफ की जा सकें, निर्जमित की जा सकें, जल से अभेद्य हो तथा रसायन और जंग प्रतिरोधी हों। कोई भी पात्र सांभ्राधान जो जस्तेवार लोहे या लोहे का बना हो, मांस के भण्डारण के लिए प्रयुक्त किए नहीं किया जाएगा। जब तांबे या पीतल के पात्र प्रयुक्त किए जाएं तो उन पर बहुत अधिक कलई होनी चाहिए। प्रसंस्करण क्षेत्र में लकड़ी के उपस्करों/संरचनाओं के प्रयोग से बचना चाहिए। जब लकड़ी के संकतन—ग्लाकों और बाकुओं के लकड़ी के हाथों का प्रयोग किया जाए तो उन्हें प्रतिदिन गर्म पानी में धोया जाएगा या भाप से निर्जमित किया जाएगा। लकड़ी के संकतन ग्लाक इतने मजबूत होंगे कि संकतनों को प्रतिस्हन कर सकें और उसके बुरादे से मांस संतृप्त नहीं होगा।
- (17) प्रसंस्करण क्षेत्र में प्रयुक्त जल स्वच्छ और पीने योग्य होगा और यदि उसकी बाधत यह संदेह हो कि वह अस्वास्थ्यप्रव है तो कृषि विपणन सलाहकार द्वारा सम्यक्तः अनुमोदित किसी प्रयोगशाला की मार्फत इसकी रासायनिक और जीवाणवीय परीक्षा कराई जाएगी और विश्लेषण का खर्चा पैकर द्वारा वहन किया जाएगा।
- (18) जहां कहीं पांच या उससे अधिक महिला या पुरुष कर्मचारी नियोजित किए जाते हैं, वहां महिलाओं या पुरुषों के लिए पवित संख्या में शीशालयों और धावन पात्रों की व्यवस्था की जाएगी, जैसा कि नीचे विनिर्दिष्ट है :—

कर्मचारियों की संख्या	शीशालयों की संख्या	धावन पात्रों की संख्या	स्नानगारों की संख्या
25 से अधिक	1	1	1
25 से अधिक किन्तु 49 से अनधिक	2	2	2
50 से अधिक किन्तु 100 से अनधिक	3	3	3
100 से अधिक	5	5	5

- (19) प्रसंस्करण क्षेत्र के सभी प्रवेश द्वारों पर, परिसर में प्रवेश करने वाले व्यक्तियों के लिए प्रतिरोधी फुटपाथ की व्यवस्था की जाएगी।
- (20) गर्म और ठण्डे पानी के धावन पात्र जिनमें प्रचुर मात्रा में अपक्षालक और हानिरहित प्रतिजर्मी बोल हो और अधिमानतः पक्कासित संयोजन टोटी से युक्त हों, प्रत्येक प्रवेश और निर्गम स्थल पर उपबन्धित किए जाएंगे और इस बात की सावधानी बरती जाएगी कि कोई भी इसका प्रयोग किए बिना प्रवेश न करे।
- (21) प्रसंस्करण क्षेत्र में धूकना, चर्बेण और धूसपान करना प्रतिषेध है।
- (22) सभी प्रसाधन कर्मचारियों को एप्रन, शीर्ष परिधान दस्ताने और गमबूट प्रदान किए जाएंगे जो ऐसी सामग्री के बने होंगे जो आसानी से साफ और बिसंक्रामित की जा सके। पर्यवेक्षी कर्मचारी बूब यह सुनिश्चित करेंगे कि वे वस्तुएं स्वच्छ रहें और कर्मकार साफ, स्वच्छ और सुव्यवस्थित हों।
- (23) भगुलियों के नाखून और बाल भली प्रकार कतरे हुए होंगे। प्रसंस्करण क्षेत्र में बालों को कंभी करना और नाक साफ करना प्रतिषिद्ध है।
- (24) किसी भी ऐसे व्यक्ति को जिसके हाथों पर कोई खुला घाव हो, प्रसंस्करण क्षेत्र में काम नहीं करने दिया जाएगा। किसी भी व्यक्ति को, जो संक्रामक या सांसर्गिक रोग से पीड़ित हो, परिसर में प्रवेश नहीं करने दिया जाएगा। सभी कर्मचारियों की छह मास में एक बार चिकित्सीय परीक्षा किसी रजिस्ट्रीकृत चिकित्सा व्यवसायी द्वारा की जाएगी। ऐसी परीक्षा का किसी रजिस्ट्रीकृत चिकित्सा व्यवसायी द्वारा सम्यक्तः हस्ताक्षरित अभिलेख रखा जाएगा और निरीक्षक अधिकारी द्वारा मांगे जाने पर उसे प्रस्तुत किया जाएगा। सभी कर्मचारियों को समय-समय पर भ्रान्त वर्ग के रोगों के, जैसे यक्ष्मा के टीके और चेचक के टीके लगाए जाएंगे और इनका प्रमाणपत्र मांगे जाने पर निरीक्षण के लिए उपलब्ध किया जाएगा। प्रसंस्करण क्षेत्र में कर्मचारियों की भीड़-भाड़ नहीं होने दी जाएगी और इसके लिए एक दूसरे से पर्याप्त दूरी पर काम के लिए सेजों की व्यवस्था की जाएगी।
- (25) कर्मचारों और संयंत्र की सफाई की आवश्यकताओं को पूरा करने के लिए प्रचुर जल (गर्म और ठण्डा) की व्यवस्था की जाएगी। सेजों, पट्टी-आरे और उसके फलक, बाकुओं, भ्रान्तों, मांस के भण्डारण के आधानों को अपमार्जक बोलों और गर्म पानी (60° से 80° से) से भली प्रकार धोया जाएगा।
- (26) जहां आवश्यक हो, वहां निष्कासक पंखों की व्यवस्था की जाएगी।
- (27) सब प्रसंस्करण क्षेत्र और उपस्करों को प्रत्येक दिन के कार्य के पहले और उसके बाद साफ और बिसंक्रामित किया जाएगा।
- (28) कर्ष और बीमारों निरन्तर साफ की जाएंगे ताकि मांस आदि के संचयन और अपघटन को रोका जा सके।
- (29) अखाद्य मांसावशेष और उच्छिष्ट मांस को निरन्तर हटाया जाएगा और उनके परिवहन के लिए प्रयुक्त ट्रोत्रियों को इस प्रकार चिह्नित किया जाएगा कि उन्हें अनन्यतः पशुशव मांस के परिवहन के लिए प्रयुक्त की जाने वाली ट्रालियों से अलग पहचाना जा सके।
- (30) शीतल कक्ष, अतिहिमायित आदि के साफ और स्वच्छीकरण के लिए एक परिनिश्चित समय—अनुसूची अपनाई जाएगी।

अनुसूची 1

(नियम 3 और 4 देखिए)

बीस शर्तों से प्राप्त और भारत में उत्पादित कच्चे शीतल/हिमायित बीस के मांस के, जो वाणिज्यिक रूप में बीस बीफ के नाम से ज्ञात हैं, श्रेणी अभिधान और स्वासिटी की परिभाषा

श्रेणी अभिधान	विशेष लक्षण	साधारण लक्षण
1	2	3
वरण श्रेणी	<p>प्रसाधित पशु शव के रूप में प्रस्तुत मांस से निम्नलिखित दक्षित होगा :—</p> <ol style="list-style-type: none"> (1) व्यवस्थित चिन्ताम में बिना किसी अत्यधिक ट्रप्स के, (2) दीप्त प्रभासी रूप (3) मांस पेशियों का भराव हो, लम्बाई की अपेक्षा मोटा हो अर्थात् गर्दन, जाँघ और टांगें छोटी हों, (4) सूक्ष्म वयन और स्पर्श से मूबु लगता हो, (5) संसक्ति में बड़ला हो, अर्थात् दबाने पर गर्त न बने, (6) न्यूनतम संयोजन तन्तु, (7) बसा की सूक्ष्म धारियों से पूर्णतया, धीन के साथ कुर्वुरित हो, (8) पर्याप्त छिपो बसा, (9) सुन्दर रजाश्व, (10) चर्बी को शुष्क, दृढ़ और पपड़ी बार होना चाहिए, (11) अच्छी फिनिश, अर्थात् ऐसी जो कन्धों तक की गई हो, (12) कन्धे की हड्डियाँ दिखाई नहीं देंगी, (13) अधोपान्त चर्बी की एक पतली सिल्ली होगी, (14) शरीर की एक सी गहराई, शीर्ष पर एक रूपता हो और स्पर्श करने पर अस्थिसन लगे, (15) बेचरबी, संरचना में सुन्दर, और दीप्त रक्तम से आरक्त हो, (16) हड्डी मज्जा सफेद गुलाबी हो और हड्डियाँ अनलाइन न हों, (17) मांस नियमित से परिपूर्ण होगा, (18) रीढ़ की हड्डियाँ पूर्णतया अस्थीयित न हों, (19) फेंगिया रहित हो। <p>प्राइमल या भाग कर्तनों के रूप में प्रस्तुत मांस से उपरोक्त लक्षणों के अतिरिक्त भ्रम/प्रश्न चौथाई या इसके कटों से निम्नलिखित दक्षित होगा :—</p> <ol style="list-style-type: none"> (1) पूष्ठ कशेरकों के प्रत्येक अर्ध प्रोसेस के सिरे पर उपस्थित टिब होंगे, (2) सफेद पसलियाँ जो पर्याप्त रूप से मोटी पेशियों से ढकी हों, (3) आख स्थित पेशी संरचना में सुन्दर और रंग में रक्तम हो, (4) चूक मोटे होने चाहिए, (5) पृथकरणीय चर्बी रहित हो और कट बेचरबी होंगे, (6) वारणों, बिदारों, चीर्ण धारों, ब्लेम्मा, विवर्णता, दुर्गन्ध और संरचना एकान्तरों से मुक्त होगा, (7) श्रेणी हड्डी बिना पूर्ण अस्थीयन के मसूण और स्निग्ध होगी। पुट्टा और उर पेशियाँ भरी हुई होंगी और उनमें अवनलता नहीं होगी। (8) त्रिक् हड्डियाँ बहुत कठोर नहीं होंगी, यद्यपि वे पूर्णतया अस्थीयन हो सकती हैं, (9) हड्डीरहित कट पूर्णतया हड्डी के टुकड़ों, काष्ठधूल, घातु खण्डों या किसी भी अवांछनीय पदार्थ से रहित होंगे। 	<p>मांस—</p> <ol style="list-style-type: none"> (1) बघ किए गए स्वस्थ पशुओं से प्राप्त होगा जिनका अनुज्ञप्त परिसर में और विहित प्रक्रियाओं के अनुसार मरणपूर्व और मरणोत्तर निरीक्षण किया जाएगा, (2) स्वास्थ्यकर दशाओं में तैयार किया जाएगा, स्वास्थ्य-प्रद हो और अन्यथा मानव उपयोग के लिए उपयुक्त हो, (3) मरजीबी असन से मुक्त हो, (4) जीवाण्विक और कवकी संक्रियण न हो गया हो। (5) बघ किए जाने के 12 घण्टे के भीतर शीतल/हिमायित कर दिया गया होगा और इसी वशा में बना रहेगा। (6) जीवाणु गणनांक प्रतिग्राम 10 लाख से अधिक नहीं होगा तथा ई० कोली गणनांक प्रतिग्राम 10 से अधिक नहीं होगा। मांस रोगाणुओं से मुक्त होगा।

1	2	3
ग्रन्थी श्रेणी	वरण श्रेणी के अनुसार, सिवाय इसके कि प्रसाधित पशु शबों में निम्नलिखित किंचित परिवर्तन अनुशात होंगे, अर्थात् :— (1) शीर्ष पर किंचित असमता, (2) एकरूप संरूपण और समता की कमी हो सकती है, (3) पर्याप्त गहराई वशित न करें, किन्तु पतला, एकहरा और दुर्बल शरीर बालान होगा, (4) पेशियों की लक्षणपूर्णता में भराव की किंचित कमी, (5) पुट्टे और जंघा में किंचित अक्षतता हो, (6) पक्ष चौड़ाई किंचित अक्षत हो, (7) शैव पतले और चिपटे हों, (8) पूर्णतया अस्वीकृत कटि कण्ठ हों।	
वाणिज्यिक श्रेणी	वरण और ग्रन्थी श्रेणियों के अनुसार, सिवाय इसके कि प्रसाधित पशुशबों में निम्नलिखित किंचित परिवर्तन अनुशात होंगे, अर्थात् :— (1) आसोपास चर्बी का अत्यधिक और स्थूल निक्षेपण, (2) छमी और स्थूल पेशियां, (3) आकृति झुरी और अनियमित	
श्रेणी X	जैता और निर्यातकर्ता के बीच, किन्तु पक्के आदेश पर, हुए करार के अनुसार।	

“पक्का आदेश” पर से या तो यह अभिप्रेत है कि समस्त क्रय धन का पहले ही नकद संवाय किया जाना है या उसको किसी अन्य रूप में प्रत्याभूत किया जाना है।

अनुसूची 2

(नियम 3 और 4 देखिए)

4 मान से ऊपर और 1 वर्ष तक की आयु के बछड़ों से प्राप्त और भारत में उत्पन्नित, कच्चे शीतल/हिमायित भैंस के मांस के, जो वाणिज्यिक रूप में बछड़ा मांस/काफ सीट के नाम से ज्ञात है, श्रेणी अभिधान और क्वालिटी की परिभाषा

श्रेणी अभिधान	विशेष लक्षण	साधारण लक्षण
1	2	3
वरण श्रेणी	प्रसाधित पशुशब से वशित होगा :— (1) व्यवस्थित बिन्यास, बिना किसी अत्यधिक द्रव्य के, (2) दीप्त प्रभासी रूप, (3) सूक्ष्म ध्यान और स्पर्श से मृदु लगता हो, (4) पर्याप्त चिपों बसा, (5) पर्याप्त मात्रा में कंधों और पक्ष चौड़ाई पर पतली परत में चर्बी, (6) चर्बी को बुक, शुष्क और पपड़ीदार होना चाहिए, (7) शरीर को एक सी गहराई और शीर्ष पर एक रूपता, (8) मांस में नियमित वशित होगा, (9) हड्डी मज्जा गुलाबी हो, (10) रीढ़ की हड्डी मृदु, गुलाबी, लाल और भूरी होगी, (11) पृथक्करणीय चर्बीरहित होगी, (12) पुट्टा और जंघा पेशियां अक्षतता वशित नहीं करेंगी, (13) वारणों, जिंदारों, चीर्ण धारों, श्लेष्मा, बिबर्णता, तुर्रिध, और संरचना, एकांतरों से मुक्त होगा, (14) सामान्य संरूपण स्थूल पुष्ट सहित संहत और मसुण होगी।	मांस :— (1) वध किए गए स्वस्थ पशुओं से प्राप्त होगा जिनका अनुज्ञप्त परिसर में और जहित प्रक्रियाओं के अनुसार मरण-पूर्व और मरणोत्तर निरीक्षण किया जाएगा, (2) स्वास्थ्यकार वक्ताओं में तैयार किया जाएगा, स्वास्थ्य-प्रब हो और अन्यथा मानव उपयोग के लिए उपयुक्त हो, (3) परजीवी असन से मुक्त हो, (4) जीवाण्विक और कबकी संक्रियण न हो गया हो, (5) वध किए जाने के 12 घण्टे के भीतर शीतल/हिमायित कर दिया गया होगा और इसी वशा में बना रहेगा। (6) जीवजन जीवाणु गणनांक प्रति ग्राम 10 लाख से अधिक नहीं होगा तथा 10 कोली गणनांक प्रति ग्राम 10 से अधिक नहीं होगी। मांस रोगाणुओं से मुक्त होगा।
मानक श्रेणी	वरण श्रेणी के अनुसार, निम्नलिखित परिवर्तनों के सिवाय, अर्थात् :— (1) प्रसाधित पशुशब में कम किनिश और अधिक हड्डी होंगी (2) पशुशब के संरूपण में एकरूपता विद्यमान न हो। (3) नितम्बिल और लमटंगा हो, (4) कंधे में सजरा हो, (5) आकृति में हल्का हो,	

1	2	3
	(6) छोटा हो और पतली मांसपेशी युक्त हो।	
श्रेणी X	कैला और निर्यातकर्ता के बीच, किन्तु उसके आदेश पर, हुए करार के अनुसार	
	“पक्का आदेश” पद से या तो यह अभिप्रेत है कि समस्त क्रय धन का पहले ही तकद सदाय किया जाना है या उसको किसी अन्य रूप में प्रत्याभूत किया जाना है।	

अनुसूची 3

(नियम 3 और 4 देखिए)

भेड़ और बकरी से प्राप्त और भारत में उत्पादन, कच्चे शीतल/हिमायित भेड़ और बकरी के मांस के, जो वाणिज्यिक रूप में “मटन” के नाम से ज्ञात है, श्रेणी अभिधान और क्वालिटी की परिभाषा

श्रेणी अभिधान	विशेष लक्षण	साधारण लक्षण
1	2	3
वरण श्रेणी	प्रसाधित पशुशव निम्नलिखित रूप में होगा — (1) चौड़ा, गहरा, मसूण, संहत संरूपण होगा, (2) कंधे स्थूल और सुस्थित हो, गलपैली भारी हुई, विस्तृत और मोटी पीठ और टांगें मोल-मटौल। (3) फिनिश पक्की और समानतः वितरित होगी, (4) पर्याप्त डिपो बसा, (5) प्रसाधित रूप में भार 8 कि० ग्रा० से कम नहीं होगा।	मांस :— (1) बंध किए गए स्वस्थ पशुओं से प्राप्त होगा जिनका अनुज्ञप्त परिसर में और विहित प्रक्रियाओं के अनुसार मरणपूर्व और मरणोत्तर निरीक्षण किया जायेगा, (2) स्वास्थ्यकर दशाओं में तैयार किया जायेगा, स्वास्थ्यप्रद हो और अन्यथा (3) परजीवी ग्रसन से मुक्त हो, (4) जीवज्विक और कबकी संक्रियण न हो गया हो।
मानक श्रेणी	वरण श्रेणी के अनुसार, निम्नलिखित परिवर्तनों के सिवाय, प्रयोज्य :— (1) पशुशव जो उपरोक्त लक्षणों में किञ्चित् अपूर्ण हो, (2) समजनीय शर्तों की कमी हो, (3) प्रसाधित पशुशव की पीठ से हड्डियों का स्पष्ट उल्लेख दृश्य हो, (4) शरीर उदग्र कंधे और त्रिपर फसली हो।	(5) बंध किये जाने के 12 घण्टे के भीतर शीतल/हिमायित कर दिया गया होगा और इसी दशा में बना रहेगा। (6) जीवनक्षम जीवाणु गणनाक प्रति ग्राम 10 लाख है अधिक नहीं होगा तथा 100 कोली गणनाक प्रति ग्राम 10 से अधिक नहीं होगा। मांस रोगाणुओं से मुक्त होगा।

श्रेणी X	कैला और निर्यातकर्ता के बीच किन्तु उसके आदेश पर, हुए करार के अनुसार।
	“पक्का आदेश” पद से या तो यह अभिप्रेत है कि समस्त क्रय धन का पहले ही सदाय किया जाना है या उसको किसी अन्य रूप में प्रत्याभूत किया जाना है।

अनुसूची 4

(नियम 3 और 4 देखिए)

भैस के प्रसाधित शरीर और भेड़ और बकरी के प्रसाधित शरीरों से प्राप्त कीमाकृत मांस के, जो वाणिज्यिक रूप में कीमा के नाम से ज्ञात है, श्रेणी अभिधान और क्वालिटी की परिभाषा

श्रेणी अभिधान	विशेष लक्षण	साधारण लक्षण
1	2	3
श्रेणी 1	मांस जो प्रयुक्त किया जाता है वह — (1) केवल एक ही प्रकार के वरण, अच्छी और मानक श्रेणी के प्रसाधित पशु शरीरों से अभिप्राप्त होगा, (2) रक्त, यकृत, हड्डियों और हड्डी खण्डों, शिराओं, बालों आदि से मुक्त होगा, (3) किसी भी बाह्यी पदार्थ से रहित होगा,	मांस :— (1) बंध किए गए स्वस्थ पशुओं से प्राप्त होगा जिनका अनुज्ञप्त परिसर में और विहित प्रक्रियाओं के अनुसार मरणपूर्व और मरणोत्तर निरीक्षण किया जायेगा, (2) स्वास्थ्यकर दशाओं में तैयार किया जायेगा, स्वास्थ्यप्रद हो और अन्यथा मानव उपयोग के लिए उपयुक्त हो,

1

2

3

- (4) किसी भी प्रकार के अपघटन, विवर्णता, दुर्गन्ध आदि का कोई लेख भी दर्शित नहीं करेगा,
- (5) चर्बी रहित होगा,
- (6) रंग में दोष होगा,
- (7) एक समाप्त गणनाला होगा।
- (3) परजीवी घसन से मुक्त हो,
- (4) जीवाण्विक और कबकी सक्रियण न हो गया हो,
- (5) बंध किये जाने के 12 घंटे के भीतर शीतल/हिमायित कर दिया गया होगा और इसी वन में बना रहेगा।
- (6) जीवनक्षम जीवाणु गणनाक प्रति ग्राम 10 लाख से अधिक नहीं होगा तथा 50 कोटी गणनाक प्रति ग्राम 10 से अधिक नहीं होगा तथा मांस रोमाणुओं से मुक्त होगा।

श्रेणी X

ज्रेता और निर्यातकर्ता के बीच, किन्तु पक्के आदेश पर, हुए कगार के अनुसार।

“पक्का आदेश” पत्र से या तो यह अभिप्रेत है कि समस्त क्रय घन का पहले ही नकद सदाय किया जाना है या उसको किसी अन्य रूप में प्रत्याभूत किया जाना है।

अनुसूची 5

(नियम 5 देखिए)

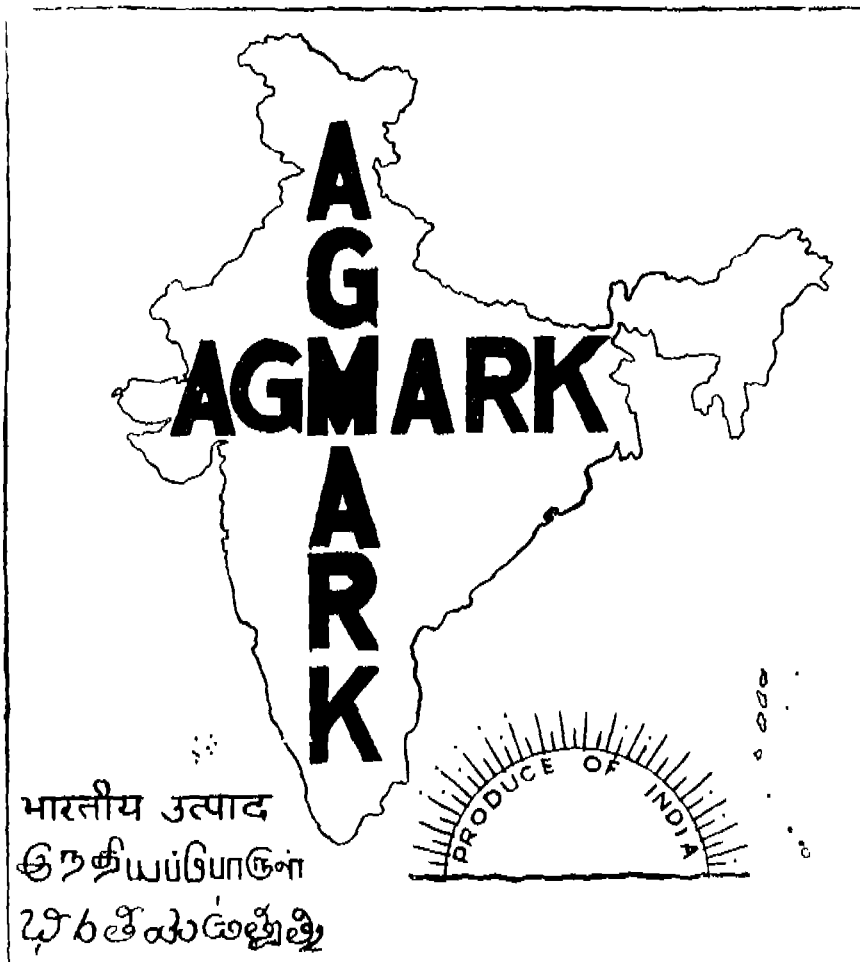
समाया जाने वाला श्रेणी अभिधान चिह्न कच्चा मांस (हिमायित/शीतल)

कच्चे मांस (हिमायित/शीतल) के पैकेजों पर लगाया जाने वाला श्रेणी अभिधान चिह्न निम्नलिखित बिजाइन होगा —

- (क) किस्म पैस बीफ/बछड़े का मांस/मटन/कीमा
- (ख) श्रेणी
- (ग) मुद्रा भार
- (घ) सकल भार
- (ङ) निरीक्षण की तारीख

भारत का मानचित्र

(निरीक्षक अधिकारी के हस्ताक्षर)



MINISTRY OF AGRICULTURE AND IRRIGATION**(Department of Rural Development)**

New Delhi, the 11th April, 1977

S.O. 1251.—Whereas the draft of the Raw (Chilled or Frozen) Grading and Marking Rules, 1976, was published as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), on pages 522 to 535 of the Gazette of India, Part II, Section 3, Sub-section (iii), dated the 24th January, 1976, under the notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Rural Development) No. S. O. 466, dated the 3rd January 1976, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of 30 days from the date on which the copies of the Official Gazette containing the said notification were made available to the public ;

And whereas the copies of the said Gazette were made available to the public on the 24th January, 1976 ;

And whereas suggestions and objections received in respect of the said draft were considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules, namely :—

**THE RAW MEAT (CHILLED OR FROZEN) GRADING
AND MARKING RULES, 1977**

1 Short title commencement and application—(1) These rules may be called the Raw Meat (Chilled or Frozen) Grading and Marking Rules, 1977.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall apply to meat obtained from Buffaloes, Sheep and Goats, produced in India.

2. Definitions.—In these rules, unless the context otherwise require,—

(i) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India ;

(ii) "animal" means an animal belonging to any of the species specified below, namely :—

(a) buffaloes ; (b) sheep ; (c) goats ;

(iii) "buffalo beef" means buffalo carcass from an animal which is more than 12 months' of age and weighing more than 100 kilograms ;

Note :—The term "buffalo beef" shall be indicated against "TYPE" on the Agmark labels ;

(iv) "boneless meat" means dressed meat which is free from tendons, cartilages, bones and separable nerves .

(v) "calf meat" means an immature buffalo carcass from an animal above 4 months' old weighing not less than 30 kilograms and is below 100 kilograms ;

Note :—The term "calf meat" shall be indicated against "TYPE" on the Agmark labels ;

(vi) "carcass" means the dead body or any part thereof including viscera of any animal which has been slaughtered according to the contracted method in an approved slaughter house ;

(vii) "chilled" means, that the internal temperature of carcass/cuts/mince does not exceed 5°C at any stage including that at docks/ports.

Note :—The carcasses shall be so hung in the cold storage as to be at least 20 cms. from the ceiling, 10 cms. from the floor and 30 cms. from the walls. The cuts/mince shall be so kept in clean racks in the cold storage so as to be at least 20 cms. from ceiling, 10 cms. from the floor and 30 cms. from the walls ;

(viii) "cuts" means meat obtained from dressed and boneless meat of size as per the requirements of the importer ;

(ix) "finis" means external fat covering and body cavity fat ;

(x) "frozen" means that the internal temperature of carcass/meat shall reach—20°C by quick freezing and shall not exceed—10°C at any stage including that at docks/ports. The carcass/meat shall be hung on clean racks at least 20 cms from the ceiling, 10 cms. from the floor, and 30 cms. from the walls, and the meat shall be immediately packed after cutting and placed on clean racks as to be at least 20 cms. from the ceiling, 10 cms. from the floor and 30 cms. from the walls ;

(xi) "halves" means sawed/chopped carcass divided into two equal halves by splitting through the centre of the back bone, or removing the back bone by cutting through the transverse process of the vertebrae ;

(xii) "Inspecting Officer" means an official veterinarian or any other officer appointed or recognized as Inspecting Officer by the Agricultural Marketing Adviser ;

(xiii) "lean" means the meat free from visible fat ;

(xiv) "legs" means single or unsplit cut in front of hips ;

(xv) "minced meat (keema/mince)" means comminuted meat of uniform grains obtained from boneless meat ;

(xvi) "mutton" means sheep or goat carcass obtained from sheep or goat which is more than 12 months' of age ;

Note.—The term "mutton" being indicated against "TYPE" on the Agmark labels ;

(xvii) "net weight" means weight of the carcass/cuts/mince when packed but does not include weight of the package or ice ;

(xviii) "quarters" means the fourth part of a carcass or the cut sides of a buffalo carcass which have been halved of the half between the 10th and 11th ribs or between the 12th and 13th ribs;

(xix) "Schedule" means a Schedule to these rules;

(xx) "slaughter" means killing of an animal employing a humane or any other approved method in a licensed slaughter house where the animal is subjected to thorough ante-mortem and post-mortem examination;

(xxi) "slaughter House" means the building, premises or place which is licensed as a slaughter house by the local authority for the slaughter of animals intended for human consumption;

Note.—The slaughter house shall also be certified 'fit' by the Agricultural Marketing Adviser and shall conform to the standards prescribed in the instructions for the grading of raw chilled/frozen meat under Agmark.

3. Grade designations.—The grade designations to indicate the quality of raw meat (chilled/frozen) shall be as set out in column (1) of Schedules I to IV.

4. Characteristics of the various grade designations.—The special and general characteristics of the various grade designations shall be as set out against each grade designation in columns (2) and (3) of Schedules I to IV.

5. Grade designation marks.—The grade designation marks shall consist of a label bearing the design set out in Schedule V specifying the grade designation

6. Method of grading.—Grading of raw meat (chilled/frozen) shall be done only at the authorised premises and according to the instructions issued from time to time by the Agricultural Marketing Adviser. The grade designation and other particulars of raw meat (chilled/frozen) shall be marked by the Inspecting Officer after inspection is carried out by him.

7. Certificate of Agmark grading.—A certificate of Agmark grading shall be issued on a written request from the authorised packer by the Agricultural Marketing Adviser or by an officer authorised by him in this behalf.

8. Method of packing.—The raw meat (chilled/frozen) shall be packed as carcass, primal or portion cuts, or mince, as the case may be, at the authorised premises and strictly in accordance with the instructions in this regard issued from time to time by the Agricultural Marketing Adviser.

9. Method of Marking.—(1) A grade designation mark label shall be securely affixed to each package in a manner approved by the Agricultural Marketing Adviser.

(2) In addition to the Grade designation the following particulars shall be clearly indicated, namely :—

- (a) type, (b) grade, (c) net weight, (d) gross weight, (e) date of inspection, (f) signature of the Inspecting Officer.

Provided that an authorised packer may stamp or write his private trade mark if such trade mark represents the name type and grade of meat as that indicated by the Agmark label and are duly approved before hand by the Agricultural Marketing Adviser.

10. Special conditions of authorisation.—(1) Meat of one type only shall be packed in one pack.

(2) Every Certificate of Authorisation issued for the purpose of these rules shall be governed by the following conditions, namely :—

(a) The meat shall be obtained from a slaughter house situated within a radius of 50 kilometres of the authorised premises.

(b) All instructions regarding sanitation in the premises, cleanliness of personnel and equipment, operational procedure, method of sampling, testing, packing, marketing and inspection or raw meat at all stages of dressing and maintenance of records thereof issued from time to time by the Agricultural Marketing Adviser shall be strictly observed.

(3) The premises, shall be such as in the opinion of the Agricultural Marketing Adviser, be fit for processing (dressing) of the carcasses for which the Certificate of Authorisation is granted to him. The minimum sanitary and other requirements are given below :—

(i) All the parts of the authorised premises shall always be kept clean, adequately lighted and ventilated and shall be regularly cleaned, disinfected and deodorised. The flooring shall be impervious and washed daily with disinfectant. Lime washing, colour washing or painting, as the case may be, shall be done at least once a year. The floors walls, ceiling partitions, doors and other parts of all structures shall be of such material, construction and finish that they can be readily and thoroughly cleaned. The walls shall be tiled with white glazed porcelain tiles upto a height of 1.5 metres to enable their washing with hot water and chemical disinfectants. The walls shall be free from cracks, crevices and dampness;

(ii) Doors shall be flyproof and be double doored with self closing devices. All the windows and openings shall be flyproof.

(iii) The ceiling shall be of permanent nature and the floor shall be impervious, cemented, tiled or laid in stones without crevices and non-slippery.

(iv) The premises shall be located in a sanitary place away from car parking area or tanneries or the units handling chemicals, fertilizers or any other material which is likely to impart extraneous odour to the meat or cross contaminate the meat. Wherever marine products fruits and vegetables are handled in the same area, the premises where meat is processed shall be adequately partitioned from the premises where these products are processed.

(v) The approach roads to the premises shall be metalled.

- (vi) The premises shall be free from cob-webs and spiders.
- (vii) The premises shall not be located in a low lying area and shall exclude the entry of dogs, cats, rodents, insects, flies, crows, bats and vultures. The use of poisons or baits is forbidden in places where processing is carried out or any packed product is stored.
- (viii) All yards, out houses, stores and all approaches to the factory shall always be kept clean and in sanitary condition.
- (ix) The premises shall be so constructed and maintained as to permit hygienic processing and dressing. All operations in connection with the processing or packing of carcass meat shall be carried out under strict hygienic conditions and under the supervision of the Inspecting Officer. No portion of the processing area shall ever be used for living or sleeping purposes unless it is separated from the processing/dressing area by a wall.
- (x) There shall be efficient drainage and plumbing system and all the drains and gutters shall be properly and permanently installed. The drainage system of the processing unit shall not be connected within the processing building with the drains receiving the effluent materials from the toilets or animal pens. Manholes shall be leak-proof to avoid backflow of the waste matter due to blockage.
- (xi) The equipment and the approved processing area shall not be used without approval of the Agricultural Marketing Adviser to the Government of India or any officer authorised by him in this behalf for the processing of any other material other than meat meant for export.
- (xii) The authorised premises shall have adequate cold storage facilities.
- (xiii) The cold storage shall be periodically washed, disinfected and kept free of blood, meat pieces, etc. The cold storage shall satisfy all the requirements stipulated under the Cold Storage Order, 1974.
- (xiv) The rooms and compartments in which the meat is processed or stored shall be free from dust, and odour emanating from the dressing rooms, toilet rooms catch basins, by-products storage, animal pens, etc. meat etc.
- (xv) The entry to the processing area shall be restricted and process-workers from slaughter or by-product section shall not be allowed to enter the clean area that is processing or packing area. For easy identification the uniforms of workers of the clean area shall be different from those working in other areas of the slaughter house.
- (xvi) The equipment shall be so placed as to permit thorough inspection for cleanliness. All the tables and equipments used for dressing of carcasses shall be of such material which can be easily cleaned, sterilised and is impervious to water, resistant to chemicals and rust. No vessel or container for storage of meat made up of galvanized iron or iron

shall be used. Copper or brass vessel, when used, should be heavily tinned. Use of wooden equipments/structures in the processing area shall be avoided. Wooden chopping blocks and wooden handle of knives which, when used shall daily be washed with hot water or steam sterilised. The wooden chopping blocks shall be strong enough to withstand chopping, and shall not contaminate the meat with wood dust.

- (xvii) Water used in the processing area shall be clean and potable and if suspected to be unwholesome shall be got examined, chemically and bacteriologically through a laboratory duly approved by the Agricultural Marketing Adviser and the cost of such analysis shall be borne by the packer.

- (xviii) Whenever five or more employees of either sex are employed, sufficient number of latrines and wash basins as specified below shall be provided for each sex :—

No. of workers	No. of latrines	No. of wash basins	No. of Bath rooms
Not exceeding 25	1	1	1
Exceeding 25 but not exceeding 49	2	2	2
Exceeding 50 but not exceeding 100	3	3	3
Exceeding 100	5	5	5

- (xix) All the entries to the processing area shall be provided with anti-septic foot bath for the persons entering the premises.
- (xx) Wash basins with ample detergent and harmless anti-septic solution preferably with foot operated combination faucets having hot and cold water supply shall be provided at each entry and exit points, and care being taken that none enters without using the same.
- (xxi) Spitting, chewing and smoking shall be prohibited in the processing area.
- (xxii) All process-workers shall be provided with aprons, head-wear, hand gloves and foot wear of such material which can be easily cleaned and disinfected. The supervisory staff shall ensure that the same are clean and the workers are neat, clean and tidy.
- (xxiii) The finger nails and the hairs shall be properly trimmed. Combing of hairs in processing area and cleaning (blowing) of nose shall be prohibited.
- (xxiv) No person having any open wound on the hands, shall be allowed to work in the processing area. No person suffering from infectious or contagious disease shall be allowed to enter the premises. Medical check up of all the employees shall be carried out by a registered medical practitioner once in six months. A record of such examination duly signed by a registered medical practitioner shall be maintained and presented to the Inspecting Officer, when desired. All the employees shall be periodically inoculated against the enteric group of diseases as tuberculosis and vaccinated against small pox and

- the certificate for these shall be made available for inspection when demanded. Over-crowding of employees in the processing area shall be avoided by providing working tables at sufficient distance from each other.
- (xxv) Ample supply of water (hot and cold) shall be provided to meet the workers' and plant clean up needs. The tables, band saw and its blades, knives' containers, containers for storage of meat shall be washed thoroughly with detergent solutions and hot water (60°C to 80°C).
- (xxvi) Exhaust fans shall be provided, where necessary.
- (xxvii) All the processing area and equipments shall be cleaned and disinfected both before and after each days' work.
- (xxviii) The floor and walls shall be cleaned on continuous basis to avoid accumulation and decomposition of meat etc.
- (xxix) Inedible offals and scrap meat shall be removed on continuous basis and the trollies used for transportation of the same shall be so marked as to identify them from those which shall be exclusively used for the transportation of carcass meat.
- (xxx) A definite time schedule shall be adopted for cleaning and sanitizing the chilling room, deep freezer, etc.

SCHEDULE-I

(See rules 3 and 4)

Grade designations and definition of raw chilled/frozen buffalo meat commercially known as buffalo beef obtained from buffalo carcasses and produced in India

Grade Designation	Special Characteristics	General Characteristics
1	2	3
Choice Grade	<p>The meat offered as dressed carcass shall show—</p> <ol style="list-style-type: none"> (1) proper setting without excessive drip, (2) bright glistening appearance, (3) fullness of muscles, and be thick in relation to its length i.e. neck, shank and legs to be short, (4) fineness in grain and velvety touch, (5) firmness in consistancy i.e. will not pit on pressure, (6) minimum connective tissue, (7) mottled throughout by fine lines of fat interspersed with the lean, (8) adequate depot fat, (9) fine marbling, (10) fat to be dry, firm and flaky, (11) goodfinish i.e. such as to cover the shoulders, (12) a thin cover of fat throughout, (13) shoulder bones shall not be visible, (14) uniform depth of the body evenness at the top and not bony to feel, (15) lean, fine in texture, bright red to reddish in colour, (16) bone marrow be pinkish white and the bones shall not be flinty. (17) the meat shall be full of sap. (18) back bones not to be fully ossified, (19) freedom from fascia, 	<p>The meat shall :—</p> <ol style="list-style-type: none"> (1) be obtained from healthy animals slaughtered in licensed premises and subjected to ante-mortem and post mortem inspection according to the prescribed procedures, (2) be prepared under hygienic conditions, whole some and otherwise fit for human consumption (3) be free from parasitic infestation, (4) not have been subjected to bacterial and fungal activation, (5) have been chilled/frozen within 12 hours of slaughter and continue to remain in this condition, (6) not have bacterial count exceeding one million per gram and the E. Coli count not exceeding 10 per gram. The meat shall be free from pathogens.

1	2	3
	The meat offered as primal or portion cuts in addition to the above characteristics shall show in fore/hind quarters/or its cuts :—	
	(1) cartilaginous tips at the end of each of superior process of dorsal vertebrae, (2) white ribs adequately covered with thick muscles, (3) rib eye muscle fine in texture, and red in colour, (4) chunks which tend to be thick, (5) freedom from separable fat and the cuts shall be lean, (6) free from tears, lacerations, ragged edges, slime, discolouration, malodour and structural alterations, (7) pelvic bone smooth and glossy without complete ossification. The hip and thigh muscles should be plump and not to show concavity, (8) not very hard sacral bones though they may be completely ossified, (9) boneless cuts to be entirely free from bone pieces, wood dust, metal pieces or other undesirable matter.	
Good Grade	As per choice grade except that the following slight deviations shall be permitted in the dressed carcasses, namely :—	
	(1) slight unevenness at the top, (2) may lack uniform conformation and evenness, (3) may not show adequate depth but shall not be rangy angular thinly fleshed, (4) slightly deficient in fullness of muscling characteristics, (5) slight concavity in the hip and thigh, (6) hind quarters slightly concave, (7) chunks may be thin and flat, (8) have completely ossified lumbar vertebral.	
Commercial Grade	As per Grades choice and good except that the following slight deviations shall be permitted in the dressed carcasses, namely :—	
	(1) excessive and coarse deposition of fat throughout, (2) thick and coarse muscles, (3) rough and irregular in contour.	
Grade X	As agreed to between the purchaser and the exporter, but against firm order. The phrase "firm order" shall mean either that the whole of the purchase money is to be paid in cash beforehand or is guaranteed in some other way.	

SCHEDULE II

(See rules 3 and 4)

Grade designation and definition of quality of raw chilled/frozen buffalo meat, commercially known as veal/calf meat obtained from calves above 4 months and upto 1 year of age and produced in India

Grade designation	Special characteristics	General characteristics
1	2	3
Choice Grade	The dressed carcass shall show :— (1) proper setting without excessive drip, (2) bright and glistening appearance, (3) fine in grain and velvety touch, (4) adequate depot fat, (5) fat deposit in thin layers at shoulders and hind quarters, (6) fat to be firm, dry and flaky, (7) uniform depth of body and evenness at the top, (8) the meat to show sap,	
	The meat shall— (1) be obtained from healthy animals slaughtered in licensed premises and subjected to anti-mortem and post-mortem inspection according to the prescribed procedures. (2) be prepared under hygienic conditions, wholesome and otherwise fit for human consumption, (3) be free from parasitic infestation, (4) not have been subjected to bacterial and fungal activation,	

1	2	3
	(9) bone marrow to be pinkish, (10) the back bone soft, pink, red and brown, (11) free from separable fat, (12) hip and thigh muscles shall not show concavity, (13) free from tears, lacerations, slime, discolouration, malodour and structural alterations, (14) general conformation to be compact and smooth with heavy back.	(5) have been chilled/frozen within 12 hours of slaughter and continue to remain in this condition. (6) not have viable bacterial count exceeding one million per gram and the E. Coli count not exceeding 10 per gram. The meat shall be free from pathogens.
Standard Grade	Same as choice grade except for the following deviations, namely :— (1) dressed carcasses carry less finish and show more bone, (2) uniformity in the carcass conformation may not be present, (3) are hippy and leggy, (4) rough in shoulder, (5) light in round, (6) are narrow and have thin muscles.	
Grade X	As agreed to between the purchaser and the exporter but against firm order. The phrase "firm order" shall mean either that the whole of the purchase money is to be paid in cash beforehand or is guaranteed in some other way.	

SCHEDULE III

(See rules 3 and 4)

Grade designation and definition of raw chilled/frozen sheep and goat meat commercially known as mutton and obtained from sheep and goat produced in India

Grade Designation	Special Characteristics	General Characteristics
1	2	3
Choice Grade	The dressed carcass shall have— (1) wide, deep, smooth, compact conformation, (2) shoulders thick and neat, crops full, broad and thick back and the legs plum, (3) finish firm and evenly distributed, (4) sufficient depot fat, (5) the dressed weight not less than 8 kilograms.	The meat shall— (1) be obtained from healthy animals slaughtered in licensed premises and subjected to ante-mortem and post-mortem inspection according to the prescribed procedures, (2) be prepared under hygienic conditions, wholesome and otherwise fit for human consumption,
Standard Grade	As per choice Grade except following deviations, namely: (1) the carcass which is slightly deficient in the above characteristics, (2) lack in trimmable fat, (3) the back of the dressed carcass shows a decided prominence of bones, (4) have rough prominent shoulders, bar ribs.	(3) be free from parasitic infestation, (4) not have been subjected to bacterial and fungal activation, (5) have been chilled/frozen within 12 hours of slaughter and continue to remain in the condition, (6) not have viable bacterial count exceeding one million per gram and E. Coli count not exceeding 10 per gram. The meat shall be free from pathogens.
Grade X	As agreed to between the purchaser and the exporter but against firm orders. The phrase "firm order" shall mean either that the whole of the purchase money is to be paid in cash beforehand or is guaranteed in some other way.	

SCHEDULE IV

Grade designation and definition of quality of minced meat obtained from dressed carcasses of buffalo and dressed carcasses of sheep and goat and commercially known as keema.

Grade Designation	Special Characteristics	General Characteristics
Grade-I	<p>The meat that is used shall—</p> <ol style="list-style-type: none"> (1) be obtained from Grades choice, good and standard of the dressed carcasses of one type only, (2) be free from blood clots, bones and bonepieces, tendons, hairs, etc., (3) be free of any foreign material, (4) shall not show any trace of decomposition, discolouration, rancidity, etc., (5) be free from fat, (6) be bright in colour, (7) be of uniform grains. 	<p>The meat shall—</p> <ol style="list-style-type: none"> (1) be obtained from healthy animals slaughtered in licensed premises and subjected to ante-mortem and post-mortem inspection according to the prescribed procedures, (2) be prepared under hygienic conditions, wholesome and otherwise fit for human consumption, (3) be free from parasitic infestation, (4) not have been subjected to bacterial and fungal activation, (5) have been chilled/frozen within the 12 hours of slaughter and continue to remain in this condition. (6) Not have viable bacterial count exceeding one million per gram and the E. Coli count not exceeding 10 per gram. The Keema shall be free from Pathogens.
Grade X	<p>As agreed to between the purchaser and the exporter but against firm order.</p> <p>The phrase "firm order" shall mean either that the whole of the purchase money is to be paid in cash beforehand or is guaranteed in some other way.</p>	

SCHEDULE-V

Grade designation mark to be applied : Raw Meat (chilled/frozen)

The grade designation mark to be applied to packages of raw meat (chilled/ frozen) shall have the following design :—

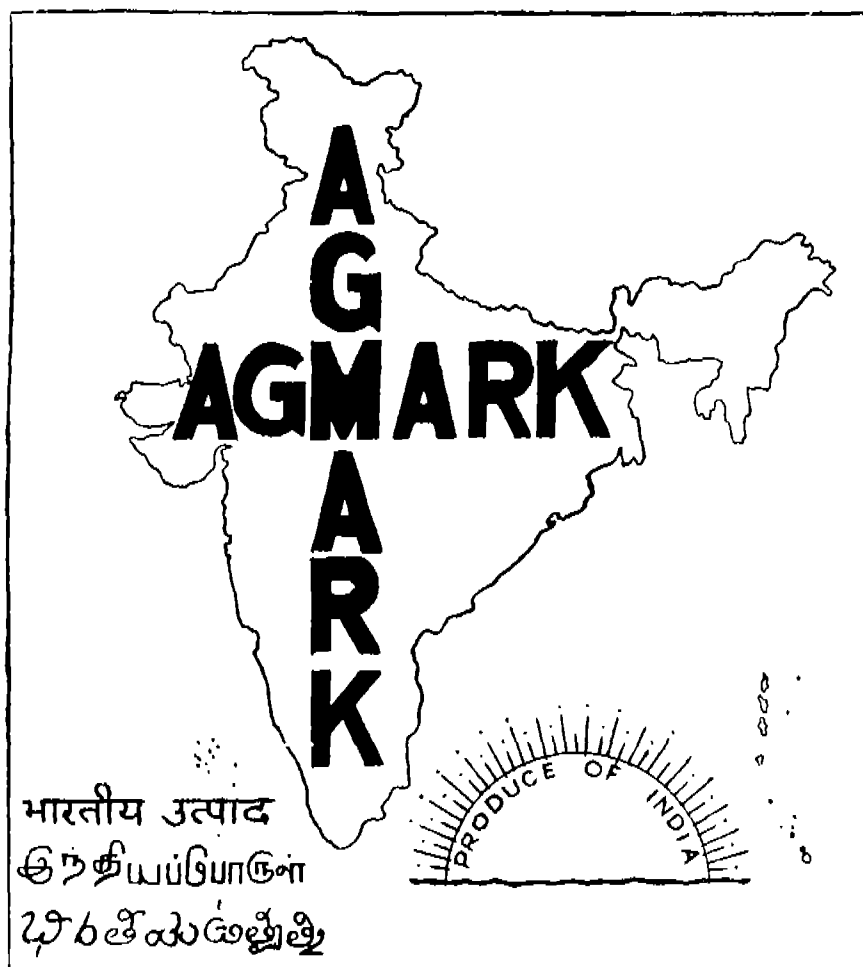
Serial No.....

- Type-Buffalo Beef/Calf meat/Mutton/Keema
- Grade
- Net weight.....
- Gross Weight.....
- Date of Inspection.....

MAP OF INDIA

Serial No.....

(Signature of Inspecting Officer)



[No. F. 13-7/76-AM]

R. N. BAKSHI, Under Secy.

नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 31 मार्च, 1977

(व्यापार पोत)

कां०आ० 1252.—व्यापार पोत अधिनियम, 1958 (1958 का 44) की धारा 90 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार के भूतपूर्व परिवहन मंत्रालय (परिवहन पक्ष) की तारीख 16 जून, 1964 की अधिसूचना सं० सां०आ० 2226 में निम्नलिखित संशोधन करती है, अर्थात् —

उक्त अधिसूचना में —

(1) त्रम संख्या I में,—

(क) मद सं० (1) के सामने, संक्षेपण, श्रक और शब्द “प्रत्येक 3 00 रु०” के स्थान पर संक्षेपण, श्रक और शब्द “प्रत्येक 6 00 रु०” रखे जाएँ।

(ख) मद सं० (2) के सामने संक्षेपण, श्रक और शब्द “प्रत्येक 2 00 रु०” के स्थान पर संक्षेपण, श्रक और शब्द “प्रत्येक 4 00 रु०” रखे जाएँ।

(2) क्रम सं० II में, मद सं० (1) से (4) तक के सामने संक्षेपण और श्रक “50 00 रु०” के स्थान पर संक्षेपण और श्रक “100 00 रु०” रखे जाएँ।

[फा० सं० 5-एम एस प्रार (15)/76-एम ए]
(श्रीमती) भवानी निर्मल, अवसर सचिव

MINISTRY OF SHIPPING & TRANSPORT

(Transport Wing)

New Delhi, the 31st March, 1977

S.O. 1252—In exercise of the powers conferred by sub-section (1) of section 90 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following amendments in the notification of the Government of India in the late Ministry of Transport (Transport Wing) No S.O. 2226, dated the 16th June, 1964, namely:—

In the said notification,—

(i) in Serial Number I,—

(a) against item No (i), for the abbreviation, figures and words “Rs 3 00 each”, the abbreviation, figures and word “Rs 6 00 each” shall be substituted;

(b) against item No (ii), for the abbreviation, figures and word “Rs 2 00 each”, the abbreviation, figures and word “Rs. 4 00 each” shall be substituted;

(ii) in Serial Number II, against item Nos. (i) to (iv), for the abbreviation and figures “Rs. 50 00”, the abbreviation and figures “Rs 100 00” shall be substituted

[F No 5-MSR(15)/76-MA]

(SMT) B NIRMAL, Under Secy

नई दिल्ली, 11 अप्रैल, 1977

कां०आ० 1253.—कलकत्ता डाक कर्मकार (नियोजन का विनियमन) स्कीम 1970 में और संशोधन करने के लिए स्कीम का एक प्रारूप, डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) की अपेक्षानुसार, भारत सरकार के

नौवहन और परिवहन मंत्रालय, (परिवहन पक्ष) की अधिसूचना सं० कां०आ० 32, तारीख 13 दिसम्बर, 1976 के अंतर्गत, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 1 जनवरी, 1977 में पृष्ठ सं० 54 पर प्रकाशित किया गया था, जिसमें उक्त अधिसूचना के राजपत्र में प्रकाशन की तारीख से पैनालीन दिन की अवधि की समाप्ति तक उन सभी व्यक्तियों से धार्मिक और मुद्राश मांगे गए थे, जिनके उमरे प्रभावित होने की संभावना थी,

और उक्त राजपत्र 10 जनवरी, 1977 को जनता को उपलब्ध कर दिया गया था,

और केन्द्रीय सरकार ने उक्त प्रारूप की बाबत जनता से प्राप्त सुझावों पर विचार कर लिया है,

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कलकत्ता डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में संशोधन करने के लिए निम्नलिखित स्कीम बनाती है,

अर्थात् —

1 संक्षिप्त नाम और प्रारम्भ—(1) इस स्कीम का संक्षिप्त नाम कलकत्ता डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1977 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2 कलकत्ता डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1970 के खंड 41 के उपखंड (9) के पश्चात्, निम्नलिखित उपखंड अंग स्थापित किया जाएगा, अर्थात् —

“(10) रजिस्ट्रीकृत नियोजक किसी रजिस्ट्रीकृत डाक कर्मकार को, कर्मकार को प्रामाण्यत और वस्तुतः देय मजदूरी से अधिक, नकद या अन्यथा कोई सहाय नहीं करेगा।”

[सं० एल डी सी (67)/76-(1)]

New Delh, the 11th April, 1977

S.O. 1253.—Whereas certain draft schemes further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 was published as required by sub section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at page 54 of the Gazette of India, Part II, section 3, sub section (ii), dated the 1st January, 1977 under the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 32 dated the 13th December 1976 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of the period of forty five days from the date of publication of the said notification in the Official Gazette;

And whereas the said Gazette was made available to the Public on the 10th January 1977,

And whereas suggestions received from the public on the said draft have been considered by the Central Government,

Now, therefore, in exercise of the powers conferred by sub section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 namely:—

1 Short title and commencement—This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1977

(2) It shall come into force on the date of its publication in the Official Gazette.

2. After sub-clause 9 of clause 41 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970, the following sub-clause shall be inserted, namely :—

“(10) A registered employer shall not pay a registered dock worker anything in cash or otherwise in excess of the wages normally and actually due to the worker.”

[No. LDC/67/76(i)]

कां०आ० 1254.—कलकत्ता छीजन और रंगरोगन कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में और संशोधन करने के लिए स्कीम का एक प्रारूप, डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) की अपेक्षाानुसार भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० सा० आ० 33, तारीख 13 दिसम्बर, 1976 के अंतर्गत, भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 1 जनवरी, 1977 में पृष्ठ सं० 55 पर प्रकाशित किया गया था, जिसमें उक्त अधिसूचना के राजपत्र के प्रकाशन की तारीख से पैंतालीस दिन की अवधि की समाप्ति तक उन सभी व्यक्तियों के आक्षेप और सुझाव मांगे गए थे, जिनके उससे प्रभावित होने की संभावना थी,

और उक्त राजपत्र 10 जनवरी, 1977 को जनता को उपलब्ध करा दिया गया था ;

और केन्द्रीय सरकार ने उक्त प्रारूप की बाबत जनता से प्राप्त सुझावों पर विचार कर लिया है,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कलकत्ता छीजन और रंगरोगन कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में संशोधन करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात :—

1. संक्षिप्त नाम और प्रारम्भ—(1) इस स्कीम का संक्षिप्त नाम कलकत्ता छीजन और रंगरोगन कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1977 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. कलकत्ता छीजन और रंगरोगन कर्मकार (नियोजन का विनियमन) स्कीम, 1970 के खंड 40 के उपखण्ड (9) के पश्चात् निम्नलिखित उपखण्ड अन्तःस्थापित किया जाएगा, अर्थात :—

“(10) रजिस्ट्रीकृत नियोजक किसी रजिस्ट्रीकृत छीजन और रंगरोगन कर्मकार को, उस कर्मकार को प्रसामान्यतः और वस्तुतः देय मजदूरी से अधिक नगद या अन्यथा, कोई संदाय नहीं करेगा।”

[सं० एल०डी०सी०/67(76)(ii)]

S.O. 1254.—Whereas certain draft scheme further to amend the Calcutta Chipping and Painting Workers (Regulation of Employment) Scheme, 1970 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at page 55 of the Gazette of India, Part II, section 3, sub-section (ii), dated the 1st January, 1977 under the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 33 dated the 13th December 1976 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of forty five days from the date of publication of the said notification in the Official Gazette ;

And whereas the said Gazette was made available to the Public on the 10th January 1977 ;

And whereas suggestions received from the public on the said draft have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme to amend the Calcutta Chipping and Painting Workers (Regulation of Employment) Scheme, 1970 namely :—

1. Short title and commencement.—This Scheme may be called the Calcutta Chipping and Painting Workers (Regulation of Employment) Amendment Scheme, 1977.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. After sub-clause 9 of clause 40 of the Calcutta Chipping and Painting Workers (Regulation of Employment) Scheme, 1970, the following sub-clause shall be inserted, namely :—

“(10) A registered employer shall not pay a registered Chipping and Painting worker anything in cash or otherwise in excess of the wages normally and actually due to that worker.”

[No. LDC/67/76(ii)]

कां०आ० 1255.—कलकत्ता डाक लिपिकीय और पर्यवेक्षी कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में और संशोधन करने के लिए स्कीम का एक प्रारूप, डाक कर्मकार (नियोजन का विनियमन) अधिनियम 1948 (1948 का 9) की धारा 4 की उपधारा (1) की अपेक्षाानुसार, भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० कां०आ० 34 तारीख 13 दिसम्बर, 1976 के अंतर्गत भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 1 जनवरी, 1977 में पृष्ठ 55 पर प्रकाशित किया गया था, जिसमें उक्त अधिसूचना के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिन की अवधि की समाप्ति तक उन सभी व्यक्तियों से आक्षेप और सुझाव मांगे गए थे, जिनके उससे प्रभावित होने की संभावना थी,

और उक्त राजपत्र 10 जनवरी, 1977 को जनता को उपलब्ध करा दिया गया था,

और केन्द्रीय सरकार ने उक्त प्रारूप की बाबत जनता से प्राप्त सुझावों पर विचार कर लिया है,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कलकत्ता डाक लिपिकीय और पर्यवेक्षी कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में संशोधन करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात :—

1. संक्षिप्त नाम और प्रारम्भ—(1) इस स्कीम का संक्षिप्त नाम कलकत्ता डाक लिपिकीय और पर्यवेक्षी कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1977 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. कलकत्ता डाक लिपिकीय और पर्यवेक्षी कर्मकार (नियोजन का विनियमन) स्कीम, 1970 के खण्ड 35 के उपखण्ड (8) के पश्चात् निम्नलिखित उपखण्ड अन्तःस्थापित किया जाएगा, अर्थात :—

“(9) रजिस्ट्रीकृत नियोजक, किसी रजिस्ट्रीकृत डाक लिपिकीय और पर्यवेक्षी कर्मकार को, उस कर्मकार को प्रसामान्यतः और वस्तुतः देय मजदूरी से अधिक, नगद या अन्यथा, कोई संदाय नहीं करेगा।”

[सं० एल०डी०सी० (67)/76 (iii)]

का० न० गुप्त, उप सचिव

S.O. 1255.—Whereas certain draft scheme further to amend the Calcutta Dock Clerical and Supervisory worker (Regulation of Employment) Scheme, 1970 was published as required by sub-section (1) of Section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at page 55 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 1st January, 1977 under the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 34 dated the 13th December, 1976 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of forty five days from the date of publication of the said notification in the Official Gazette.

And whereas the said Gazette was made available to the public on the 10th January, 1977 ;

And whereas suggestions received from the public on the said draft have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central

Government hereby makes the following scheme to amend the Calcutta Dock Clerical and Supervisory workers (Regulation of Employment) Schemes 1970 namely :—

1. Short title and commencement.—This Scheme may be called the Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) Amendment Scheme, 1977.

2. It shall come into force on the date of its publication in the Official Gazette.

2. After sub-clause 8 of clause 35 of the Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) Scheme, 1970, the following sub-clause shall be inserted namely :—

“(9) A registered employer shall not pay a Registered Dock Clerical and Supervisory Worker anything in cash or otherwise in excess of the wages normally and customarily due to that worker.”

[No LDC/67/76(iii)]

K. L. GUPTA, Dy. Secy.

निर्माण और आवास मंत्रालय

नई दिल्ली, 18 अप्रैल, 1977

क्र०अ० 1256.—इन मंत्रालय की निम्नलिखित अधिसूचनाओं में जो भारत के राजपत्र के भाग II, खंड 3, उप-खण्ड(ii) में उनके द्वारा की गई तारीख को प्रकाशित हुई थी, निम्नलिखित शुद्धियाँ की गई हैं :—

अधिसूचना सं० तथा तारीख	प्रकाशित होने की तारीख	एम०ओ० नं०	पृष्ठ सं०	शुद्धियाँ जो की गई
के-13014(4)/71-यू०डी०-1, दिनांक 31-1-1977	12-2-1977	503	575	अन्तिम पंक्ति में, “के लिये बदलने का प्रस्ताव है” के शब्दों के स्थान पर “में बदल दिया गया है” शब्दों को प्रतिस्थापित कर दिया जाता।
के-13011(40)/76-यू०डी०-1(ए) दिनांक 31-1-1977	12-2-1977	504	575-576	अधिसूचना के पैरा 3 के उप-पैरा (i) में आये “बदला जाना प्रस्तावित है” शब्दों तथा उप-पैरा (ii) में “आये बदलने का प्रस्ताव है” शब्दों के स्थान पर “बदल दिया गया है” शब्द प्रतिस्थापित कर दिए जाएं।
के-13012(3)/72-यू०डी०-1 (ए) दिनांक 31-1-1977	12-2-1977	505	576	पैरा 3 के उप-पैरा (i) में आये “बदलने का प्रस्ताव है” शब्दों के स्थान पर “बदल दिया गया है” शब्द प्रतिस्थापित कर दिये जाएं।
के-13011(6)/76-यू०डी०-1 (ए) दिनांक 2-2-1977	12-2-1977	506	576	पैरा 3 में “संशोधनों” के अन्तर्गत आये “बदलने का प्रस्ताव है” शब्दों के स्थान पर “बदल दिया गया है” शब्दों को प्रतिस्थापित कर दिया जाए।
के-13011(9)/76-यू०डी०-1 (ए) दिनांक 5-2-1977	19-2-1977	631	646	पैरा 3 के उप-पैरा 1, 2, 3, 4(क) में आये “करने का प्रस्ताव है” या “बदलने का प्रस्ताव है” शब्दों के स्थान पर “कर दिया गया है” या “बदल दिया गया है” शब्दों को प्रतिस्थापित कर दिया जाए। उप-पैरा 4(ख) में आये “किया जाता है” शब्दों के स्थान पर “किया गया है” शब्द प्रतिस्थापित कर दिए जाएं।

[स० ओ-16021(5)/77-यू०डी०-आई०(ए)]

डी० पी० मोहरी, अवर सचिव

MINISTRY OF WORKS AND HOUSING

New Delhi, the 18th April, 1977

S.O. 1256.—The following corrections are carried out in this Ministry's Notifications mentioned below which appeared in the Gazette of India, Part II, Section 3, Sub-section (ii) on the dates mentioned against each.

Notification No. & Date.	Date of Publication	S.O. No.	Page No.	Corrections made
K-13014(4)/71-UDI dated 31-1-1977	12-2-77	503	575	The words "proposed to be" appearing in the last line are deleted.
K-13011(40)/76-UDI(A) dated 31-1-1977	12-2-77	504	575-576	The words "proposed to be" appearing in para 3 sub-para (i) & (ii) of the Notification are deleted.
K-13012(3)/72-UDI(A) dated 31-1-1977	12-2-77	505	576	The words "proposed to be" appearing in para 3 sub-para (i) are deleted.
K-13011(6)/76-UDI(A) dated 2-2-1977	12-2-77	506	576	The words "proposed to be" appearing in para 3 under modification are deleted.
K-13011(9)/76-UDI(A) dated 5-2-1977	19-2-77	631	646	The words "proposed to be" appearing in Para 3 sub-para 1, 2, 3, 4(a) and the words "to be" appearing in line 3 of sub-para 4(b) are deleted.

[No. O-16021(5)/77-UDI(A)]
D.P. OHRI, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 11 अप्रैल, 1977

कां०आ० 1257.—उत्तर प्रदेश राज्य विद्युत बोर्ड, 14, अशोक मार्ग, लखनऊ, (जिसे इसमें उसके पञ्चान बोर्ड कहा गया है) ने कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 17 की उप-धारा (1क) के अधीन कर्मचारी कुटुम्ब पेंशन स्कीम, 1971 में छूट के लिए आवेदन किया है,

और राज्य सरकार की राय में उक्त बोर्ड के कर्मचारियों द्वारा अंगीकृत की गई तथा उन पर लागू नयी कुटुम्ब पेंशन स्कीम, 1965 के अधीन कुटुम्ब पेंशन के रूप में ऐसे कर्मचारियों को प्राप्य फायदे उन फायदों से कम नहीं है जो उक्त अधिनियम और कर्मचारी पेंशन स्कीम, 1971 के अधीन उसी प्रकार के किसी अन्य स्थापन के कर्मचारियों के लिए उपबन्धित किए गए हैं ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (1क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और यहाँ नीचे विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त बोर्ड को कर्मचारी कुटुम्ब पेंशन स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है ;

शर्तें

- (1) बोर्ड छूट के पञ्चान किसी समय केन्द्रीय सरकार की इजाजत के बिना कुटुम्ब पेंशन के रूप में प्राप्य फायदों की मात्रा को घटा नहीं सकेगा।
- (2) नियोजक ऐसे लेखा रखेंगे, ऐसे विवरण प्रस्तुत करेंगे और निरीक्षण के लिए ऐसी सुविधाएं देंगे जिसका निर्देश केन्द्रीय सरकार समय-समय पर दे।
- (3) उक्त बोर्ड की कुटुम्ब पेंशन स्कीम के संचालन के बारे में व्यय जिसमें लेखा रखना, लेखा और विवरण प्रस्तुत करना

लेखाओं का अन्तर्गण भी आता है नियोजक को वहन करना होगा।

- (4) नियोजक जिसमें उक्त बोर्ड की कुटुम्ब पेंशन स्कीम के नियमों की एक प्रति जैसे कि केन्द्रीय सरकार द्वारा अनुमोदित हों सारे संशोधन सहित, यदि कोई हो, स्थापन के सूचना पट्ट पर, उसकी मुख्य विधेयताओं के कर्मचारियों के बहु-संख्यक की समझ में आने वाली भाषा में अनुवाद के साथ, प्रदर्शित करेगा।
- (5) केन्द्रीय भविष्य निधि प्रायुक्त के पूर्व अनुमोदन के बिना स्थापन की कुटुम्ब पेंशन स्कीम के नियमों में कोई संशोधन नहीं किया जाएगा। जहाँ संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ केन्द्रीय भविष्य निधि प्रायुक्त अपना अनुमोदन देने से पहले कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

[का० सं० एम० 35014/23/72-एफ०पी०जी०]

हंसराज छाबड़ा, उप सचिव

MINISTRY OF LABOUR

New Delhi, the 11th April, 1977

S.O. 1257.—Whereas the Uttar Pradesh State Electricity Board, 14, Ashok Marg, Lucknow (hereinafter referred to as Board) has applied for exemption, from the Employees' Family Pension Scheme, 1971, under sub-section (1A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government the benefits in the nature of family pension under the 'New Family Pension Scheme, 1965' adopted by, and applicable to the employees of the said Board are not less favourable to such employees than the benefits provided under the said Act, and the Employees' Family Pension Scheme, 1971 to employees in any other establishment of a similar nature;

Now, therefore in exercise of the powers conferred by sub-section (1A) of Section 17 of the said Act, and subject to the conditions specified hereunder, the Central Government hereby exempts the said Board from the operation of all the provisions of the Employees' Family Pension Scheme,

CONDITIONS —

- (i) The Board shall not at any time, after exemption without the leave of the Central Government reduce the quantum of benefits in the nature of Family Pension
- (ii) The employers shall maintain such accounts, submit such returns and provide for such facility for inspection as the Central Government may from time to time direct
- (iii) All expenses involved in the administration of the family pension scheme of the said Board including maintenance of accounts, submission of accounts and return, transfer of accounts, shall be borne by the employer
- (iv) The employer shall display on the notice board of the establishment a copy of the rules incorporating therein all amendments, if any of the family pension scheme of the said Board as approved by the Central Government alongwith a translation of the salient features thereof in a language understood by the majority of the employees
- (v) No amendment of the rules of the family pension scheme of the establishment shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view

[File No S 35014/23/72 F P G]

HANS RAJ CHHABRA, Dy Secy

S.O. 1258—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial disputes between the employees in relation to the managements of Ningha Colliery and Sripur Colliery, Ningha Sub-Area, Eastern Coalfields Limited and their workmen, which was received by the Central Government on 6th April 1977

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM LABOUR COURT, CALCUTTA

Reference Nos. 13 of 1976 & 17 of 1976

AND

Application Nos. LC 27 of 1975, IC 2 of 1976 and
LC 27 of 1976

PARTIES

In Reference No. 13 of 1976

Employers in relation to the management of Ningha Colliery, Ningha Sub-Area of Eastern Coal Fields Limited and their Workmen

In Reference No. 17 of 1976

Employers in relation to the management of Sripur Colliery, Ningha Sub-Area of Eastern Coal Fields Limited and their Workmen

In Application No. LC 27 of 1975

Sri N N Chakravorty & three Others of Ningha Colliery of Eastern Coal fields Limited

Applicants

Vs

The Sub-Area Manager, Ningha Sub Area, Eastern Coal Fields Limited
Opp Parties

In Application No. LC 2 of 1976

Sri Raja Ram and 54 Others, Ranipur Colliery

Applicants

Vs

1 M/s Coal Mines Authority Ltd (Eastern Division)

2 Eastern Coal Fields Limited

3 The Manager, Ranipur Colliery
Opp Parties

In Application No. LC 27 of 1976

Sri Darshan Lal and 11 Others of Ranipur Colliery

Applicants

Vs

1 M/s Coal Mines Authority Ltd (Eastern Division)

2 Eastern Coalfields Limited

3 The Manager, Ranipur Colliery
Opp Parties

APPEARANCE

On behalf of Employer /Opp Parties—Sri D Gupta, Advocate General of West Bengal, with Sri A Chaudhuri, Counsel, Sri N Das Advocate Sri N N Chakravorty, Advocate, and Svs B N Lala, ACPO, S M Asraf ACPO B B Prasad, ACPO, B B Roy, Sr PO N R Chatterjee Sr PO, and I N Srivastava, Sr PO

On behalf of Workmen/Applicants—Sri D I Sen Gupta, Sr Advocate, with Sri H L Roy, Advocate, Sri Lenin Roy, Advocate, with Miss Kabita Dutta, Advocate

STATE West Bengal INDUSTRY Coal Mines

AWARD

The Government of India Ministry of Labour, by their Orders No L-19012/30/75 D-III(B) dt 28th February, 1976 (In Reference No 13 of 1976) and No L 19012/37/75-D III(B) dated 20th March, 1976 (In Reference No 17 of 1976), referred the two industrial disputes existing between the employers in relation to the management of Ningha Colliery, Ningha Sub Area, Eastern Coalfields Limited and the management of Sripur Colliery, Ningha Sub-Area of Eastern Coalfields Limited and their workmen to this Tribunal for adjudication. The two references read as

In Reference No. 13 of 1976

"Whether the demand of the workmen employed by the management of Ningha Colliery of the Eastern Coalfields Limited, Ningha Sub-Area, Post Office Kalipahar, District Burdwan, for placement of Sarva Shri G Bhattachajee and Ramdulay Kurmi, Senior Overmen of Ningha Colliery in Grade 'B' (Head Overman) as recommended by the Central Wage Board for the Coal Mining Industry, with effect from 31-1-1973 is justified? If so, to what relief are the said workmen entitled?"

In Reference No. 27 of 1976

"Whether the demand of the Ningha Colliery Mazdoor Union, Head Office Kaluram Onkalmall (Top Floor) Post Office Asansol District Burdwan for the placement of Sarva Shri Ramasis Singh and

Debidas Banerjee, Senior Overmen of Sripur Colliery of the Eastern Coalfields Limited, Post Office Kalipahari, District Burdwan, in Grade-B (Head Overman) as recommended by the Central Wage Board for the Coal Mining Industry with effect from 31-1-1975 is justified? If so, to what relief are the said workmen entitled and from what date?"

2. On 31-12-1975 an Application under Sec. 33-C(2) of the Industrial Disputes Act, 1947 was filed before this Court by Sri N. N. Chakravorty and three others for realisation of some money from their employer, which was numbered as LC 27 of 1975.

On 6-3-1976 an Application under Sec. 33-C(2) of the Act was filed before this Court by Sri Raja Ram and 54 others against their employers which was numbered as LC 2 of 1976.

Again on 26-10-1976 an Application under Sec. 33-C(2) of the Act was filed before this Court by Sri Darshan Lal and 11 others against their employer which was numbered as LC 27 of 1976.

3. The first two proceedings are References under Section 10 of the Industrial Disputes Act, 1947 and the rest three proceedings are Applications under Section 33-C(2) of the aforesaid Act. These references as well as the Applications are directed against the Coal India Limited (Eastern Coalfields Limited). The Applications are filed for computation of additional wages and allowance and the References are in respect of claims for higher rate of salary in grade "B" to which the workmen are said to be entitled.

4. A common question has come up for consideration in all these five proceedings and so they were heard together as a preliminary point. The question to be decided is whether the Mining Sirdar, Overman and Head Overman are workmen within the definition of 'workman' in Sec. 2(s) of the Industrial Disputes Act, 1947. The workmen concerned contend that they are workmen under the definition and as such they are entitled to the relief asked for. The management on the other hand contend that the workmen concerned are to be excluded from the definition as they are working in supervisory capacity drawing more than Rs. 500/- as salary per month under clause (iv) of Section 2(s) of the Act. We have, therefore, to examine the respective contentions in the light of evidence and other materials which are placed before the Tribunal.

5. It is necessary for the correct understanding of the dispute the definition of 'workman' in Section 2(s) has to be examined. It reads :—

"(s) 'Workman' means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purpose any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline Act, 1934), or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

It is clear from a reading of the above section that person doing work of supervisory nature and drawing a salary exceeding Rs. 500 per mensem is excluded from the definition of workman in the Section. A person doing work of supervisory nature has been added in this definition of 'workman' by an amendment of the Act in 1956. But, clause (iv) of Section 2(s) excludes such a person who being employed in supervisory capacity if he draws wages exceeding Rs. 500/- per month or exercises either by the nature of the duties attached to the office or by reason of the powers vested in him functions mainly of managerial nature; thus any person employed in an industry to do any supervisory, technical or clerical work for hire or reward is a workman; but clause (iv) contemplates a person employed in a supervisory capacity will also be a workman provided he does not draw wages exceeding Rs. 500/- per mensem. But in determining the question as to whether a person is employed in a supervisory capacity or otherwise a mere description is not decisive of the nature of employment. The question whether a person is employed in a supervisory capacity or clerical work depends upon whether main and principal duties carried out by him are those of a supervisory character or of a nature carried out by a clerk or other persons specified in the sub-section. If a person is doing mainly supervisory work but incidentally or for a fraction of time also does some clerical work he would be deemed to be employed in a supervisory capacity and conversely if the main work done is of clerical nature the mere fact that some supervisory duties are also carried out incidentally or a small fraction of the work done by him will not convert his employment as a clerk into one in supervisory capacity. This is the line of approach which the Supreme Court had made in *Ananda Bazar Patrika (Private) Limited v Workmen*, 1969 II L.J. 670. The relevant passage in that regard reads as follows :

"The question whether a person is employed in a supervisory capacity or on clerical work in our opinion depends upon whether the main and principal duties carried out by him are those of supervisory character or of a nature carried out by a clerk. If a person is mainly doing supervisory work but incidentally or for a fraction of the time also does some clerical work it would have to be held that he is employed in supervisory capacity and conversely if the main work done is of a clerical nature the mere fact that some supervisory duties are also carried out incidentally or as a small fraction of work done by him will not convert his employment as a clerk into one in supervisory capacity."

This principle also found support from the decision of the Supreme Court in *South Indian Bank Limited v V.A.R. Chacko*, 1964(5) Supreme Court Reporter 625 and in *Management of Messrs May & Baker (India) Limited v Their workmen*, AIR 1967 SC 678. In a later decision reported in *Burmah Shell Oil Storage & Distribution Company of India Ltd and the Burmah Shell Management Staff Association and Others*, 1970 II L.J. 590, it was pointed out :

"Frequently, however, an employee is required to do more than one kind of work. He may be doing manual work as well as supervisory work, or he may be doing clerical work as well as supervisory. He may be doing technical work as well as clerical work. He may be doing technical work as well as supervisory work. In such cases, it would be necessary to determine under which classification he will fall for the purpose of finding out whether he does not go out of the definition of 'workman' under the exceptions. The principle is now well-settled that for this purpose, a workman must be held to be employed to do that work which is the work he is required to do, even though he may be incidentally doing other types of work."

In the light of above pronouncements it would be necessary for us to examine the definition of workman referred to above on the basis of the duties and responsibilities which are earmarked to Mining sirdar, Overman and Head overman.

6. Before doing so, it is relevant to point out that the identical question had come up for consideration before the

All India Industrial Tribunal (Colliery Disputes) which was presided over by Sri J. N. Majumdar. An award was passed in that case on 15-3-1956. That tribunal held that overman and mining sirdar are skilled manual workers but they were of opinion that senior overman or headoverman performed work of a purely supervisory character. The decision was made on the basis of the then byelaws which are now known as Coal Mines Regulations as well as the evidence that was adduced before the tribunal. The tribunal's decision was taken up in appeal before the Labour Appellate Tribunal of India and they gave their decision on 29-1-1957. In paragraph 271 of that decision the Appellate Tribunal stated that in spite of the amendment in the definition of 'workman' in the Industrial Disputes Act, they were not prepared to consider the definition of workman as defined in the amended Act, but they stated that though the senior overman are not workman both the mining sirdars and the overmen are workmen. It may be stated here that neither the tribunal nor the Appellate Tribunal considered the definition of 'workman' as defined in the amended Section 2(s) of the Act in coming to the conclusion whether these employees who worked underground of the mine are workman or not. It is sufficient to say that the finding arrived at by those Tribunals is not conclusive on the question whether the overman, mining sirdar and headoverman are workmen under Section 2(s) of the Act for the simple reason that duties and responsibilities of the workmen had considerably been changed under the Coal Mines Regulation, 1957. New definition had been given to these disputes categories of workmen. The fact that Section 2(s) was amended is also a ground to show that circumstances had changed after the decision of the Tribunal and that therefore a fresh consideration is necessary as regards the position of the disputed workmen. Any way, it cannot be contended that the contention whether the disputed employees are workman or not is barred by res judicata on account of the decision of the Tribunals in 1956 and 1957. It is, therefore, necessary to consider afresh in the light of evidence in each case whether these employees were workmen within the definition of Section 2(s) of the Act.

7. The Headoverman, Overman and Mining sirdars are different categories of employees with a specific cadre pay and other emoluments as shown in the Report of the Central Wage Board for Coal Mining Industry, Volume I. The Headoverman is first in the hierarchy of the underground employees in a mine. Next to them are Overmen and next to overmen are Mining sirdars. Their scales of pay are different. Their pay scales and grades are detailed at page 78—Vol. I of the Wage Board Report.

8. It is necessary to examine the definition as well as the work and responsibilities allotted to these employees under Coal Mines Regulations, 1957. In Regulation No. 2(20) an official is defined as a person appointed in writing by the owner, agent or manager to perform duties of supervision in a mine or part thereof, and includes an undermanager or assistant manager, a ventilation officer, a safety officer, a sampling in charge, a dust in charge, an overman, a sirdar, an engineer and a surveyor. Regulation No. 2(22) defines overman as a person possessing a Manager's or Overman's Certificate, who is appointed by the manager in writing under any designation whatsoever, to perform the duties of supervision or control in mine or part thereof, and is as such superior to a sirdar. The duties and responsibilities of overman are in Regulation No. 43 which read as follows :

"Duties and responsibilities of overman—The overman shall strictly observe the following provisions, namely—

- (1) (a) Subject to the orders of superior officials, he shall have responsible charge and control of such part of the mine and shall carry out such duties as may be assigned to him by the manager.
- (b) He shall, while on duty, carry a tracing of the workings of such district and shall keep the tracing up-to-date.
- (c) He shall, in his district, make the inspection and report required by these regulations.
- (d) He shall be responsible to see that the subordinate official and competent persons in his district carry out their respective duties in a proper manner.
- (e) He shall, to the best of his power, enforce in

his district the provisions of the Act, of these regulations and orders made thereunder, and shall, subject to the control of the manager and the undermanager or assistant manager, if any, give such directions as may be necessary to ensure compliance with those provisions and to secure the safety of the district and the safety and proper discipline of the persons employed therein.

- (2) He shall see that sufficient supplies of timber, brattice and other necessities required for the safe working of his district are kept in convenient places therein.
- (3) (a) He shall see that every air crossing, stopping door, brattice and other ventilation device is maintained in good order.
- (b) He shall, in his district, see that the ventilation is effective and when brattices or air pipes are required to be used for the ventilation of the working places shall see that they are kept sufficiently advanced to ensure that an adequate amount of air reaches every such working place.
- (c) He shall have power to send out of the mine any person under his charge infringing or attempting to infringe any provision of the Act or of the regulations or orders made thereunder, or failing to carry out any direction given with regard to safety; and shall report in writing any such infringement or attempted infringement or failure to the manager.
- (4) (a) He shall see that all the tracks and tramlines are properly laid, graded, ballasted or otherwise packed.
- (b) He shall see that the manholes on the haulage roadways are kept safe, clear of any obstruction, and properly white-washed.
- (c) He shall see that stop blocks, runaway switches and other safety devices are fixed and used as required under the regulations, that drags of backstays are provided and regularly used behind tubs ascending inclines and that a sufficient supply of suitable sprags is provided where tubs are loaded on a gradient or lowered down a gradient by hand.
- (d) He shall, if he finds any of the ropes, chains, signals, brake, jlg wheels and post or other apparatus in use in his district to be in an unsafe condition stop the use of the same forthwith.
- (5) He shall be responsible to see that except for the purpose of inspection, examination and repairs, every person other than an official or a haulage attendant travels by the travelling road way.
- (6) He shall give prompt attention to the removal of any danger observed or reported to him, shall see that dangerous places are adequately fenced off.
- (7) He shall, under the direction of the manager, see that approved safety lamps are used and naked lights excluded wherever and whenever danger from inflammable gas is apprehended.
- (8) (a) He shall devote the whole of his time to his duties and shall visit each working place in his district as may be necessary or possible.
- (b) He shall not, except for a justifiable cause, leave the district in his charge until he has finished the inspections required under these regulations and any other duties that he is required to perform, or until relieved by a duly appointed substitute.
- (c) He shall, if the mine is working in a continuous succession of shifts, confer with the official succeeding him and give him such information as may be necessary for the safety of his district and of persons employed therein.
- (9) He shall, at the end of his shift, record in bound paged book kept for the purpose a general report on the performance of all his duties during the

shift, including anything concerning the power working of the mine and the safety and discipline of persons employed in his district."

Similarly, the duties and responsibilities of sirdars are shown in Regulation No 44 which reads as follows :

"44. Duties and responsibilities of Sirdars—The Sirdars or other competent person appointed under Regulation 113 shall strictly observe the following provisions, namely—

- (1) (a) Subject to orders of superior officials, he shall have responsible charge and control of the district of the mine assigned to him by the manager or the undermanager or assistant manager.

(b) He shall take reasonable means to ensure the proper observance of the requirement of the Act and of the regulations, and orders made thereunder by persons under his charge and shall, as soon as practicable, report any contravention thereof to his superior official.

- (2) (a) He shall make such inspections and reports as are required by these regulations, and in making such examination, he shall pay particular attention to edges of the goaf, if any, or checking supports and for presence of gas.

(b) Except in the case of a mine working in a continuous succession of shifts, he shall on completion of the first inspection of the district, proceed to the station appointed under Regulation 13 and instruct all persons as to their places of work and as to any special precautions necessary to be observed by them.

(c) If he finds any person in a place other than the one assigned to him, he may order such person out of the mine and shall forthwith report the matter to his superior official.

(d) He shall ensure that no inexperienced person is employed on any work except under the supervision of an experienced person.

- (3) (a) He shall see that the roof and sides of all travelling roadways to, and working places in, his district are made and kept secure.

(b) Where the height of any working place in the district in his charge measured from floor to roof exceeds three metres, he shall see that there are kept at convenient places in the district—

(i) a suitable wooded bunt or pole by which all part of the roof may be effectively tested by a person standing on the floor. Except in a district of a gassy seam of the second and third degree the bunt shall be shod with iron at one end, and

(ii) a ladder of suitable length.

(c) He shall report to his superior official any deficiency in timber, appliances and other necessities required for the safe working of the district.

- (4) Where either of the two ways affording means of egress from the surface is not ordinarily used for travelling he shall travel, once at least in every seven days, the whole of such way in order to make himself thoroughly acquainted with the same.

- (5) He shall see that no timber support is withdrawn except by means of a safety prop-withdrawer.

- (6) (a) If he observes any dangerous place during the course of his inspection or if any danger at a place where workpersons are employed is reported to him, he shall, if the danger cannot be removed forthwith withdraw all persons from such place and shall not leave the place until the danger has been removed in his presence or all approaches to the

place have fenced off so as to prevent persons from inadvertently entering such place.

(b) He shall take care that any dangerous operation is carried out with due-precaution, and in such cases shall be present throughout whenever any work of clearing falls of ground and setting of supports therein is being carried out.

(c) He shall cause the entrance to every place which is not in actual use or in course of working or extension to be fenced across the whole width, so as to prevent persons from inadvertently entering such place.

(d) If he finds any accumulation of inflammable or noxious gases, he shall carry out the provisions of Regulation 142 and shall not remove such accumulation until he has received instruction in that behalf from his superior official.

- (7) He shall, on receipt of information of an accident to any person in his district, proceed at once to the place of accident, inspect the place and, if required, supervise the rescue operations, and shall report or send notice of the accident to the manager, or undermanager or assistant manager.

- (8)(a) He shall devote the whole of his time to his duties, and shall not leave the mine until the end of the shift or until relieved by a duly appointed substitute.

(b) If the mine is worked by a continuous succession of shifts, he shall, before leaving his district confer with the sirdar or competent person succeeding him and shall acquaint him with all matters requiring his personal attention and give him such other information as may be necessary for the safety of his district and of the persons employed therein."

9. On reading of the respective duties and responsibilities of each of these employees, it is clear that no physical worker allotted to them. The physical work is allotted to different types of categories of persons who work under them. The categories of such persons are shown in Appendix V of the Central Wage Board Report. Large number of such employees are mentioned as persons who conduct work in different sections in the undergrounds of the mine. The Regulations go to show that the overman and sirdars have to see whether their subordinates perform their work in accordance with the nature of work allotted to them. It was the duty of the overmen and sirdars to watch-and-ward the work of their subordinates. Nowhere in the Regulations it is stated that the sirdars and overmen have to perform any physical work. The fact that they carry a stick when going round the mine is not a circumstance to hold that they have to perform physical labour. The use of the word "shall see" in the Regulations does not carry with it any meaning that these employees have to do any physical labour. On the other hand it is apparent from the nature of the duties and responsibilities allotted to them that they shall supervise the work of the subordinates employed under them. In many of the clauses of the Regulations it has been mentioned that the overmen and sirdars have to supervise the work of the persons working in the underground of the mine.

10. It is also relevant to point out that in the Rules made under Section 58 of the Mines Act, 1952, known as Mines Rules, 1955, certain persons are described as persons holding position of supervision or management. Rule 46 of the Rules include overmen and mining sirdars as persons holding position of supervision. This rule is made in conformity with the provisions of Section 37 of the Mines Act, 1952. The heading of Section 37 of the Mines Act is "Supervising staff" where it is provided that nothing in Section 28, section 30, section 31, section 34 or sub-section (5) of section 36, shall apply to persons who may by rules be defined to be persons, holding positions of supervision or management or employed in a confidential capacity. Section 28 relates to weekly day of rest; section 30 relates to hours of work above ground and section 31 hours of work below ground; section 34 deals

in prohibition of employment of certain persons and sub-section (5) of Section 36 provides that no persons shall be allowed to work in a mine otherwise than in accordance with the notice required by sub-section (1) of that section. These provisions indicate that overmen and mining sirdars come within the supervisory staff underground of the mine.

11. The oral evidence in the case was that of one Jaharlal Sen who was the Manager of the Mine on behalf of the management and two workmen examined as WW-1 and WW-2. The evidence on the management's side is controverted by the evidence of the workmen and the vice-versa. The evidence can be said to be one-sided in either way. The oral evidence as such therefore is not of much importance in this case in view of the fact that the respective duties and responsibilities of the mining sirdars and overmen are set forth in detail in the Coal Mines Regulations, 1957. It is admitted that the workmen concerned have to perform their work on the basis of these regulations. The Regulations are clear that both overmen and mining sirdars come in the category of supervisory staff. It is admitted that they draw more than Rs. 500 per mensem as their salary. Even if they perform any physical labour, it can be said that is only a fraction of the entire duties and responsibilities which are cast on them under the Regulations. The definition of the 'workman' in Section 2(s) of the Industrial Disputes Act, 1947 is clear to show that once an employee in supervisory capacity draws a salary of more than Rs. 500 per month he is not a workman as required by that section. On a consideration of the entire evidence in the case, I am constrained to hold that the management has proved by evidence and other circumstances that both overman and mining sirdar are not workmen and that they are excluded from the operation of the definition of workman in Sec. 2(s) of the Industrial Disputes Act, 1947. If they are not workmen they cannot claim any benefit under the Act before this Tribunal. Accordingly, I find that the mining sirdars, overmen and Head overmen are not workmen as required by Section 2(s) of the Industrial Disputes Act, 1947.

12. As a result of the above finding, I hold that the References as well as the Applications are not maintainable. The References are rejected and the Applications are dismissed without considering them on merits.

E. K. MOIDU, Presiding Officer.
[No. 19012(30)/75-DIIB/D. IV(B)]

Dated, Calcutta,

The 30th March, 1977.

New Delhi, the 13th April, 1977

S.O. 1259.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in relation to the management of Pathorkheda Colliery of Messrs National Coal Development Corporation Limited, Pathorkheda and their workmen, which was received by the Central Government on the 12th April, 1977.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-1 ABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R) (54)/1975

PARTIES :

Employers in relation to the management of Pathorkheda Colliery of Messrs National Coal Development Corporation, Limited, Pathorkheda and their workmen represented through the Samyukta Khadan Mazdoor Sangh (AITUC), Distt. Betul (M.P.)

APPEARANCES :

For employers—S/Shri P. S. Nair, Advocate and S. S. Mishra, Senior Personnel Officer.

For workmen—Shri P. K. Thakur, Advocate.

INDUSTRY : Coal Mines

DISTRICT : Betul (M.P.)

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. 1-22012/4/75/DO IIIA Dated 22-9-1975 for the adjudication of the following industrial dispute :—

"Whether, having regard to the educational and Technical qualifications as well as the past record of service of Sarvashri I. Tigga, B. Xalx, S. Singh and M. M. Dey, the action of the management of Pathorkheda Colliery of National Coal Development Corporation in overlooking their claims for promotion to the post of Chargemen, is justified ? If not, to what relief are the said workmen entitled ?"

2. This Tribunal decided vide its Order dated 12-11-1976 the preliminary objections raised by the management, holding that the reference is not bad because an industrial dispute had been raised prior to it, union had representative character and the reference was not different from the dispute originally raised by the union.

3. When the case came up for final hearing, the parties have filed a settlement duly signed by Shri P. K. Thakur, Advocate, on behalf of the Union and S/Shri P. S. Nair, Advocate and S. S. Mishra, Senior Personnel Officer, for the management. The Union gave up the case of Shri S. Singh as he has been transferred from the Colliery. Out of the remaining three workmen S/Shri M. M. Dey and B. Xalx have already been promoted. Therefore the Union does not want to press their claim. So far as the remaining workman, Shri I. Tigga, is concerned, the management has agreed to promote him with effect from 1-11-1976, hence the Union did not press for any further relief. The dispute would thus stand resolved as fully and finally settled. The terms are fair and reasonable. The settlement is, therefore, accepted and an award in terms thereof is hereby recorded. The settlement shall form part of this award.

30-3-1977

S. N. JOHRI, Presiding Officer

[No. 1-22012(4)/75-D. III(A)/D-IV (B)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR

Ref. No. 54 of 1975.

Fixed for 30-3-1977

Employers in relation to the management of Pathorkheda of N.C.D.C.

VERSUS

Their workmen represented by S. K. M. Sangh.

The parties have after mutual discussion settled the dispute on the following terms :

'The management have already given promotion to M/s M. M. Dey and B. Xalco from 1-11-76.

The management will give promotion to Shri I. Tigga w.e.f. 1-11-1976.

The Union will give up the case of Shri S. Singh and all other claims of others.'

The above settlement is in the interest of Industrial peace.

PRAYER :

It is therefore, prayed, that an award may be given in terms of agreement.

P. S. NAIR, Counsel for Management

S. S. MISHRA, Sr. Personnel Officer

P. K. THAKUR, for workmen

30-3-77

S. N. JOHRI, Presiding Officer

SO 1260.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Bijuri Colliery of Coal Mines Authority Ltd., and their workman which was received by the Central Government on the 12th April 1977.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R) (15)/1976

PARTIES :

Employers in relation to the management of Bijuri Colliery of Coal Mines Authority Ltd., P. O. Bijuri, District Shahdol (M.P.) and their workman Shri Ranoo Singh S/o Shri Budhai Singh General Mazdoor of the Management Colliery at Bijuri, Shahdol (M.P.)

APPEARANCES :

For Workmen—S Shri B. Boral, Representative and S D Mukerji Advocate

For Management—Shri P. S. Nair, Advocate

INDUSTRY Coal Mines DISTRICT : Shahdol (M.P.)

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-22012/29/75-DHIB dated 25th November, 1976, for the adjudication of the following industrial dispute :—

"Whether the action of the management of Bijuri Colliery of Coal Mines Authority, Limited, P. O. Bijuri, District Shahdol in stopping Shri Ranoo Singh S/o Budhai Singh, General Mazdoor of Bijuri Colliery from work w.e.f. 23-1-1975 is justified? If not, to what relief is the concerned workman entitled?"

2. The parties have filed a settlement duly signed by Shri B. Boral, Workman's representative and Shri P. S. Nair, Advocate on behalf of the management stating that they have mutually discussed and settled their dispute on the following terms :—

1. Shri Ranoo will be given appointment as Mazdoor/Wagon Loader in Bijuri Colliery by 7-4-1977 in terms of letter No. AGM (JKD)/EMP/(Apptt) dated 22-1-1975

2. He will give up all his claim for back wages or any other benefit

The terms of settlement appear to be fair and reasonable and an award is, therefore, recorded in terms of the aforesaid settlement. Parties shall bear their own costs

S. N. JOHRI, Presiding Officer

[No. L-22012/29/75 DHIB(B)/D IV(B)]

Dated March 28 1977

New Delhi, the 15th April, 1977

S.O. 1261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute in relation to the management of Newton Chikli Colliery, Parasia District Chhindwara and their workmen, which was received by the Central Government on 12th April, 1977

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR, (M.P.)

Case No. CGIT/LC(R) (32) of 1971

PARTIES :

Employers in relation to the Management of Messrs Newton Chikli Colliery, Post Office Parasia, District Chhindwara (M.P.) and their workmen represented through the Bhartiya Koyala Khadan Mazdoor Sangh, P.O. Chandametta District Chhindwara (M.P.)

APPEARANCES :

For Workmen—Shri S. S. Shakarwar, Advocate

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mines DISTRICT : Chhindwara (M.P.)

AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. I/2212/10/71-LRII dated 18-11-1971 projecting the following industrial dispute for the adjudication by this Tribunal :—

"Whether the action of the management of Messrs Newton Chikli Colliery, Post Office Parasia, District Chhindwara (Madhya Pradesh) in dismissing from service Sarvashri Abdul Gaffar, Loader and Peer Mohammad, General Mazdoor, is justified? If not, to what relief are the workmen entitled?"

2. It is not disputed that in the colony of the Coal Mines where Shri B. B. Singh, Assistant Manager, and the concerned employees were living an altercation followed between Peer Mohd. and Shri B. B. Singh, Asstt. Manager, on 30th November, 1969 because allegedly Shri B. B. Singh had so assaulted the son of Peer Mohd that he bled through ear and nose, a report was lodged at the police station that Shri B. B. Singh was beaten by Peer Mohd and Abdul Gaffar. The two delinquents were charge-sheeted and their criminal prosecution also started. In the domestic enquiry evidence was taken and the delinquent employees were found guilty of the breach of Standing Orders No. 17(1)(i) and 17(1)(r) which run as follows :

17(1)(i) Causing wilful damage to work in progress or to property of the employer.

17(1)(r) Threatening, abusing or assaulting any superior or co-worker.

Accordingly the Enquiry Officer submitted a report and the two delinquents were dismissed from service. As a preliminary issue it was decided by this Tribunal on 5-2-1977 that there was no such irregularity or infirmity in the conduct of enquiry as may require this Tribunal to allow either the management or the defence to produce any witnesses before it for effective examination or cross-examination. As said above that criminal prosecution on the same facts, which had started simultaneously with the domestic enquiry resulted in the acquittal of Abdul Gaffar. Peer Mohd. was however convicted only under Sec. 323 I.P.C. for causing simple hurt to Shri B. B. Singh and was sentenced to pay a fine of Rs. 25. The allegation of entry into the house of Shri B. B. Singh was held to be not proved and both the accused were acquitted of the charge under Sec. 452 I.P.C. This order of acquittal was passed by the competent Court on 24-9-1971 while in pursuance of the domestic enquiry the dismissal order had been passed much earlier on 6-12-1969.

3. The case of the delinquent workmen is that Shri B. B. Singh assaulted the boy mercilessly and Peer Mohd. had only gone to protest against it when he was caught by Shri B. B. Singh and beaten. The other delinquent Abdul Gaffar has denied his participation in the incident. He only separated the Asstt. Manager and Peer Mohd who were grappling each other. No such charge was maintainable because the occurrence had taken place outside the work premises and the incident was a private affair which had nothing to do with the

discharge of duties. It is not connected with the discharge of employment and neither the Asstt. Manager nor the delinquents were on duty at that time. The subsequent acquittal by the Criminal Court should be given its own weight and the quantum of punishment deserves to be revised in view of the circumstances which provoked Peer Mohd. to do the alleged act. They have, therefore, prayed that the order of dismissal be set aside and they be ordered to be reinstated with back wages and liability of reinstatement should be thrown on the new management, Western Coal fields Ltd., which has taken over the mines after the nationalisation in the year 1973.

4. The old management though filed a written statement taking a stand of justification of dismissals, absented itself at the later stage when the case was ordered to proceed *ex parte* against it. The new management has asserted that beating the Assistant Manager was the major misconduct which deserves the punishment of dismissal. According to it Shri B. B. Singh was disturbed by the son of Peer Mohd. when he was busy in studies preparing himself for the examinations. He had pelted stones and Shri B. B. Singh chased him out. After sometime Peer Mohd. came and assaulted Shri B. B. Singh by means of a stick. When two persons intervened, he went back and thereafter came along with Abdul Gaffar and others and again assaulted Shri B. B. Singh. The conduct was subversive of discipline and in that respect it was connected with the employment, the charge was maintainable and the punishment of dismissal was proper. The subsequent acquittal by the Criminal Court can have no bearing on the domestic enquiry result which is the outcome of a fair trial giving full opportunity to both sides. The punishment is proper and the management has now lost confidence on such persons who could even assault their own Assistant Manager. The quantum of punishment cannot therefore be interfered with and relief of reinstatement sought can hardly be granted. The new management has denied its liability in view of the complete protection provided by the Coal Mines Nationalisation Act, 1973.

5. The first question for consideration is whether the enquiry was at all maintainable. According to the learned Counsel for the workmen, the incident was a private incident, not connected with the service or conditions of employment, it was outside the premises of the mines and none of the parties was on duty at that time. Therefore, they could not be charge-sheeted for any misconduct under the Standing Orders.

6. Normally employer employee relationship comes under the strain of termination only if the act of the employee is either directly or indirectly connected with his employment; directly connected when it is subversive of discipline. Otherwise after the duty hours and away from the place of the employment one is free to act in the manner he deems fit and even commit offences which are innocuous in the above sense. In things wholly unconnected with the duty, the employer is hardly competent to interfere by poking his nose in the private affairs of the employee. Simply because he accepts service for a specified part of the day or night, he does not totally surrender himself or his otherwise off time independent status, to servitude of 24 hours, unless nature of duties or service conditions call for the rigors of service discipline to hand on his head all the time.

7. Discussing the riotious conduct of an employee outside the scope of his service and away from the place of employment Shri B. R. Ghaive in his book of Departmental Enquiries 1976 Edn. at page 194 says that :

"How an employee conducts himself outside the premises and beyond the duty hours is generally his own concern and his acts may be morally bad and reprehensible still the employer cannot take any action. However, there are norms which are applicable to an employee even though he may be outside factory premises and beyond working hours. Such obligations are not to indulge in any act of insubordination against the employer or his senior officers or not to associate himself with competitive concerns."

8. In the present case the enquiry Officer has held and so is the finding of the Criminal Court that Peer Mohd. thinking that his son was beaten by Shri B. B. Singh came to his house, knocked his door and when he came out assaulted him

by a stick. Two persons intervened. He went back and then returned with a group of persons including Abdul Gaffar. Thus it is clearly established by cogent evidence believed both by the Enquiry Officer as well as by the Criminal Court that Peer Mohammad's act had no justification in law for assaulting the senior officer of the Company, Shri B. B. Singh, Assistant Manager. His act was, therefore, an act of criminal assault. On assaulting an Asstt. Manager, which even if made outside the work premises, is certainly subversive of the discipline and even though that assault did not arise out of some cause connected with the employment.

9. The Standing Order 17(1)(i) was clearly contravened because the superior officer was assaulted. This clause of the Standing Order has to be read in conjunction with Clause 17(1)(e) where the riotious behaviour etc. has been declared to be a misconduct if it is at the place of work or while on duty. No such limitation has been laid down in Clause (r). From this distinction it follows that even if the assault is made at a place away from the place of employment or while not on duty still that assault would amount to a misconduct. Even in private matters certain norms are to be observed with respect to senior officers and instead of making an assault the workmen should have gone and reported the matter to the police. The fact that he lost his temper will not afford him complete exoneration. The act of collecting persons and making a repeated assault on the officer has its own repercussions on the discipline which is expected from a employee even outside the premises of his duty point. Peer Mohammad therefore committed the alleged misconduct. It is proved that glass panes of the windows of the quarter were broken and that makes out a charge under Cl. 17(1)(i) of the Standing Order. I am of the view that it cannot, therefore, be argued that the inquiry or the charge against him was not maintainable.

10. Coming to the case of Abdul Gaffar the Enquiry Officer has on the basis of cogent evidence adduced before him, held that he also participated in the crime. His presence on the spot is not disputed. Criminal Court has acquitted him only by giving him the benefit of doubt. The standard of proof required before a Criminal Court is much heavier as compared to the evidence that is required to prove the guilt in a domestic enquiry. Therefore subsequent acquittal by a Criminal Court and that too based on the application of the theory of benefit of doubt, can hardly upset the finding of a domestic tribunal. In *Mohammad Istail Vs. Ch. Sia Saran Sinha* (1962) (4)FLR 37 the delinquent was acquitted in appeal on benefit of doubt but it was held to have not vitiated the finding of guilt by the management in domestic enquiry based on the evidence produced before it. There also the order of acquittal was passed after the termination of the services pursuant to a domestic enquiry finding of guilt. Moreover from the judgment of the Criminal Court it is clear that prosecution had examined only Mahendra Singh & Sharan Bihari Mathur for corroborating the statement of the victim, Shri B. B. Singh, Asstt. Manager and slight contradiction about the fact as to how a stick came in the hands of Gaffar made the magistrate suspect the evidence with reference to him with the result that benefit of doubt was given. On the other hand, no such contradiction appeared in their testimony before the Enquiry Officer. The management had further examined Narain Singh (Ex. E. 5) Saeed Khan (Ex. F. 6), Ram Charan (Ex. F. 7) and Mathur (Ex. F. 8) as eye witnesses who proved the story to the hilt with respect to Gaffar as well. Criminal Court had no occasion to hear these witnesses and scrutinise their testimony. Therefore the finding of the Enquiry Officer cannot be vitiated even with respect to Abdul Gaffar on account of the fact that subsequently benefit of doubt was given to him by the Criminal Court for pronouncing the judgment of acquittal.

11. This brings us to the question of quantum of punishment awarded to the two delinquents by the management. For that the management should have considered the over all circumstances. Peer Mohammad, besides being a workman, was a father as well. This duality of his personality and conflict of provoked sentiments as father seeing a boy bleeding through ear because of the merciless beating and his duty which commanded complete obedience and respectful restraint from him, created an abnormal situation where temper prevailed upon the judgment and excesses were done. He was it was impossible to weigh the action in golden scales. Even the Criminal Court considered it a petty offence. The story of breaking open into the house or beating Shri B. B. Singh in the house or dragging him out of the house for purpose

of criminal assault has been disbelieved by the Criminal Court and Abdul Gaffar has been given the benefit of doubt. The impact of the judgment of the Criminal Court can well be to minimise the gravity of the delinquency so as to call for the revision of the quantum of punishment. Certainly the punishment of dismissal awarded by the management is too harsh.

12. No Officer of the management can take the liberty of mercilessly beating of a son of an employee and yet insist on the termination of the services of that employee if the father raises a voice. He cannot be expected to behave like an unconcerned ascetic, devoid of all sentiments.

13. These two employees had been under employment quiet for some time and there is no allegation that they ever before misbehaved with any of the officers. This past conduct has its own relevance in the matter of quantum of punishment to be awarded to an employee. The plea of loss of confidence has no leg to stand. The management has since changed because of nationalisation and the employees can well start their career as a new employee forgetting the recurrence. I am therefore of the view that they should be reinstated with effect from the date on which they report for duty before the management within three months of the publication of this award. There had been an element of fault and therefore I am not inclined to give them back wages and that shall be in my opinion more than sufficient punishment for the indisciplined act committed in the provoked mood as discussed above. They shall be treated on leave without pay from the date of their dismissal to the date of their reinstatement. The new management can hardly be deemed competent to raise the plea of loss of confidence specially in view of the circumstances discussed above.

14. This brings us to the question as to how the new management which has claimed complete blanket protection under the provisions of the Nationalisation Act stands exonerated of the responsibility to reinstate these workmen. Preamble of the Coal Mines Nationalisation Act 1973 (Act No. 26 of 1973) defines the purpose and policy of nationalisation. The object is to nationalise the coal mines "in order that the ownership and control of such resources are vested in the State and thereby so distributed as best to subserve the common good and for matters connected therewith or incidental thereto." The words "common good" as used in Cl. B of the Article 39 of the Constitution of India are wide enough to include the interest of the workmen as well. Hence nationalisation of ownership should subserve the interest of the such dismissed workmen who deserve to be reinstated rather than leave these poor citizens of the country on the threshold of hunger and starvation arising out of such in employment. No provision of the Coal Mines Nationalisation Act 1973 not even Sec. 7 of the same can be so interpreted as to put the security of service of such labourer to jeopardy specially when Sec. 14 of the same has been incorporated in the Act simply with the object of confirming such security.

15. Moreover interpretation of the industrial laws and in a way this Nationalisation Act can also be classified as an industrial law, should recognise the socially vital factor of industrial jurisprudence and constitutional mandate of Article 43 which directs the State to secure all workers just and human conditions of work. "Security of employment is the first requisite of a worker's life as observed by the Supreme Court in *L. Michael and another Vs. Johnson Pumps India Ltd.* (1975-1 L.L.J. 262). The interpretation should be such as to reconcile the declared directive principle of State policy vide Preamble (based on Article 39 Clause (b) of the Constitution) with the undeclared but all pervading directive principle of the State policy as envisaged in Articles 41 to 43 of the Constitution of India so far as industrial laws are concerned. Thus as laid above the interpretation should lean towards security of employment and not against it.

16. Secondly Coal Mine Nationalisation Act 1973 is more concerned with the ownership and managerial aspect of the undertaking. Its provisions are meant to save the Government Company from the past liabilities of the owner, more so financial liabilities such as loans, contract liabilities, payment of wage, back wage, gratuity bonus, provident fund, pension and other due of the workmen including retrenchment compensation etc. The Act appears to be leaving the financial aspect

of the service matters of the workers to the care of normal law. It is not designed to affect them adversely. Hence to seek an interpretation of Sec. 7 of the Act in such a manner is to leave as unjustifiably retrenched worker to the care of unemployment and starvation would not only be the travesty of argument but will also put at naught the social conscience which should inform the interpretation of industrial laws.

17. Thirdly the absence of non obstante clause from Section 7 makes it clear that it does not override the provisions of Section 14 of the Act which provides security of continued employment to the workmen of the past owner. In an way providing continued employment to the workmen of the erstwhile owner is also a liability arising out of the Act of recruitment of the workmen made by the past owners and under the normal law as laid down in Section 25(IP) of the Industrial Disputes Act the transferee concern was not bound to accept the liability to provide work to all the workmen employed by the past owners. It is with a view to safeguard the workmen against such liability that Sec. 14 was specifically incorporated in Act No. 26 of 1973, in continuation to the liabilities envisaged in Sec. 7 thereof.

18. It is true section 23 of the Act No. 26 of 1973 gives its provisions in overriding effect over such other Acts, instruments, decrees or orders of Courts or Tribunals as are inconsistent with the provisions of that Act but for providing the relief of reinstatement we have not to seek the aid of provisions of any other enactments which can be said to be inconsistent with the provisions of the Act of 1973. The aid for such relief is to be derived from Sec. 14 of the Act itself. Though Industrial Disputes Act provides for the relief of reinstatement yet it leaves it to the discretion of the Tribunal to recommend that relief only in suitable cases and against suitable persons. If the circumstances make it impossible to grant such relief the Tribunal is free to feel contented only by granting retrenchment compensation. However where reinstatement is possible the provisions of Act No. 26 of 1973 do not come in the way of such reinstatement and therefore Sec. 28 of Act of 1973 has no relevancy to the present situation.

19. Again it has been argued with reference to Clause (b) of sub-section (2) of Sec. 7 of the Act of 1973 that no award given after 1-1-1973 in relation to any matter of claim or dispute which arose before that date shall be enforceable against the Central Government or Government Company. This widely worded clause according to the learned Counsel for the new management, Western Coalfields Ltd., provides a blanket protection against any such award including an award of reinstatement. Clauses of sub-section 2 are only declarations of the intention of the legislature with respect to the doubts in the interpretation of sub-clause (1) of Sec. 7 of the Act. All the inherent limitations arising out of the policy, objectives and purposes of the Act which inform the interpretation of sub-section (1) of Sec. 7 of the Act as discussed in previous paragraph, shall normally filter down in these explanations. To be more specific Clause (b) of sub-section (2) of Sec. 7 makes all such award relating to past disputes in operative against the Western Coalfields Ltd. which relate to financial liability discussed above as distinguished from the liability of continuation of service. Section 14 itself distinguishes that liability from other liabilities. Any other interpretation would give rise to a conflict between the provisions of Sec. 7 and Sec. 14 of the Act.

20. Section 14 opens with the clause "every person who is a workman within the meaning of Industrial Disputes Act, 1947. Neither the Act of 1973 nor Mines Act nor Coal Mines (Conservation, Safety and Development) Act 1952 defines a workman. These Acts have been referred to in Clauses (n) & (o) of Sec. 2 of Act No. 26 of 1973 for definitions of the words which have not been defined in that Act itself. However the aforesaid opening clause of Sec. 14 of the Act No. 26 of 1973 specifically imports the definition of "workman" as given in Sec. 2(s) of the Industrial Disputes Act. According to that definition the expression "workman" includes any such person who has been dismissed, discharged or retrenched either as a consequence of industrial dispute or vice versa. Thus Sec. 14 will mean to say that if there is a dismissed, discharged or retrenched person he will be deemed to be in the fictional or notional employment of the Coal Mines, he shall become a fictional employee of the Western Coalfields Ltd. and will be

entitled to be reinstated by the Western Coalfields Ltd. after the adjudication of the dispute in favour of such reinstatement of the workmen.

21. There are host of rulings of the Supreme Court and other High Courts which show that a wrongfully dismissed or retrenched workman will be deemed continuing in the employment as if he was never dismissed or retrenched. It is only on this basis that back wages are granted at the time of reinstatement. Whenever a statute or precedent purports to deem a situation it introduces as unreal situation—a fiction as distinguished from the apparent reality. This deeming clause asks an adjudicator to believe that even though such a worker was out of employment, he was notionally still under continued employment. Hence Sec. 14 would govern the continuance of national employment of such a workman and reinstatement would follow as if a workman under the notional employment of the Western Coalfields Ltd. has been ordered to be reinstated.

22. Such reinstatement is not a consequence of the Act of the past employer as envisaged in Sec. 7 of the Act. It is only an incident of the service of the workmen and an indication of his inherent right of continued employment which has now a statutory sanction in the form of Sec. 14. Past employer had only come in the way for the exercise of such a right of the workman and adjudication has removed that obstruction. Reinstatement is thus not covered by the mischief of the Sec. 7 of the Act. On principle of harmonious construction of the provisions of Sec. 7 and Sec. 14 of the Act, only aforesaid interpretation would avoid the conflict between the two. Hence I am of the view that it is obligatory on the Western Coalfields Ltd. to reinstate the said workmen.

23. Learned Counsel for the management, Shri P. S. Nair, Advocate, has argued that the words 'immediately before the appointed day' appearing in sub-section (1) of Sec. 14 of the Act clearly mean only those persons who had been actually in the employment on that day, and necessarily excludes those who were notionally under such deemed employment on that day. It is difficult to agree such an interpretation of sub-section (1) of Sec. 14. The words 'immediately before the appointed day' are only indicative of the time and not of the persons. They simply indicate relevant time on which day a man should be under employment for the sake of giving him the right of continued service. It does not at all reflect upon the question whether the employment should be actual or notional. I am therefore of the view that there are no words in sub-section (1) of Sec. 14 to negative the aforesaid interpretation that even those who would be deemed to be under employment immediately before the appointed day shall also be vested with the right of continuity of service.

24. The award is, therefore, that the two workmen namely, Peer Mohammad and Abdul Gaffar shall be reinstated by the new management, Western Coalfields Ltd., at Newton Chickli Colliery, Post Office, Parasia, District Chhindwara (Madhya Pradesh) with effect from the date on which they report for duty within three months from the date of publication of this award. Neither the employers shall be liable to pay any back wages. The period from the date of dismissal to the date of reinstatement shall be treated as period spent on leave without pay. This will mean continuity of service with all consequent benefits to the employees. In the circumstances of the case no order is passed as to costs.

31-3-1977.

S. N. JOHRI, Presiding Officer

[No. L-22012(10)71-LRII/D-IV(B)]

BHUPENDRA NATH, Desk Officer.

नई दिल्ली, 14 अप्रैल 1977

कां०आ० 1262 ---कर्मचारी राज्य बीमा अधिनियम, 1918 (1918 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार पहली मई, 1977 को उस तारीख के रूप में नियत करती है, जिस को उक्त अधिनियम के अध्याय 1 (धारा 11 और 15 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा

77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध द्वारा शासित राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे अर्थात् ---

सोनोपस जिले में---

(1) सप्तलखा का राजस्थ गाम (हद बस्त नं० 77-बांगर), और

(2) भापुरा का राजस्थ गाम (हद बस्त नं० 70-खादर)

[नं० एस-38013/1/77-एच आर्डी]

एस० एस० सहस्रनामान, उप सचिव

New Delhi, the 14th April, 1977

S.O. 1262.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st May, 1977, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Haryana, namely:—

(1) The revenue village of Smalkha (Hud Bast Number 77-Bangar); and

(2) the revenue village of Bhapura (Hud Bast Number 70-Khadar); in the District of Sonapat.

[No. S-38013/1/77-HI]

S. S. SAHASRANAMAN, Dy Secy.

New Delhi, the 15th April, 1977

S.O. 1263.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of Grindlays Bank Ltd., Calcutta and their workmen, which was received by the Central Government on the 12-4-77.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

CALCUTTA

Reference No. 23 of 1976

PARTIES

Employers in relation to the Grindlays Bank Limited,

AND

Their Workmen

APPEARANCE:

On behalf of Employers.—Sri M. S. Bala, with Sri K. C. Roy and Sri U. R. Sen Gupta.

On behalf of Workmen.—Sri A. K. Banerjee, General Secretary, National & Grindlays Bank Employees Union.

STATE: West Bengal

INDUSTRY: Banking

AWARD

By Order No. F. 12012 57/76/DII(A) dated 24-6-76, the Government of India, Ministry of Labour, referred an industrial dispute existing between the employers in relation to the Grindlays Bank Limited and their workmen, to this tribunal, for adjudication. The reference reads:

* Whether the management of the Chowringhee Road Branch of the Grindlays Bank Limited, Calcutta, is

justified in posting Shri Nagina Ram, a Junior sub-staff to the post of Daftry, overlooking the claims of Shri Ramdeo Pandey, a senior sub-staff? If not, to what relief is the aggrieved workman entitled?"

2. The contention of the National & Grindlays Bank Employees Union on behalf of workman Sri Ramdeo Pandey is that the Grindlays Bank at 41-Chowringhee Road branch selected Sri Nagina Ram as Daftry with effect from 1st September, 1975 overlooking his seniority and that therefore the union wanted Ramdeo Pandey to be appointed to the post which carries a special allowance and the bank shall also be ordered to pay the arrears of allowance due to him on that date. This contention of the union is controverted by the Bank on two grounds; firstly, on the ground that the practice of promotion is not followed among the subordinate staff whenever a member of the staff is to be put in charge of daftry's work which carries a special allowance and that, further Sri Ramdeo Pandey had refused the offer of the post of daftry when it was made to him on 24-11-73 and as such he lost his right to claim the special allowance post of a daftry which fell vacant on a permanent basis with effect from 1st September, 1975.

3. On the management's side a witness was examined as MW-1. He had sought to prove Ext. M-1 which is a photostat copy of a memorandum prepared in respect of the alleged refusal of the post by Ramdeo Pandey on 24-11-73. Ext. M-1 was produced to show that the Bank made an offer to Ramdeo Pandey when the temporary post of a daftry fell vacant on 24-11-73 and he had refused to accept that post. As against the name of Ramdeo Pandey in Ext. M-1 the word "No" is seen written. MW-1 did not say that he made the offer personally to Ramdeo Pandey; And he is not able to remember at present at the person who actually wrote 'No' against the name of Ramdeo Pandey in Ext. M-1. So, Ext. M-1 is not a very material document to prove that the entry of 'No' in it will lead to the conclusion that Ramdeo Pandey had refused to take the employment. Even, assuming that the alleged refusal was true, it can be said that the offer of the post on 24-11-73 was of a temporary nature, but on 1st September, 1975 the daftry's post fell vacant on a permanent basis. There was no evidence that any offer was made to Ramdeo Pandey on 1st September, 1975 when the post became vacant on permanent basis. The fact that Ramdeo Pandey refused to accept the temporary post of the daftry on 24-11-73 is not a ground or circumstance to hold that he is not entitled to get the post when it fell vacant on a permanent basis. It is conceded that the post had fallen vacant permanently with effect from 1-9-1975 to which post the management had appointed Nagina Ram who was a junior to Ramdeo Pandey. The fact that he is junior to Ramdeo Pandey is admitted by both sides (see Ext. M-2 and Ext. W-8).

4. The next question for consideration is whether the post of a daftry carrying a special allowance should be offered first to the seniormost among the subordinate staff. There is nothing in the Bipartite settlement dated 19-10-66 or earlier settlements that the posting of members of the subordinate staff to a post which carries special allowance shall be on the seniority basis. It is stated in settlement dated 19-10-66 vide paragraph 5.11 that whenever a bank requires a workman to work in a post carrying special allowance it will normally be done by an order in writing. It is admitted in the particular case that there was no order passed in writing when Nagina Ram was appointed to the post of a daftry on 1-9-1975. There is nothing in the evidence to show that Ramdeo Pandey is unfit to work as a daftry. The work of a daftry is described under Item 8, Part II of Appendix B of the Settlement. The works specified in that item do not require any special skill. As a matter of fact Ramdeo Pandey had worked as a daftry in November, 1972 and January, 1973 vide Exts. W-1 and W-2. There is no case that his work as a daftry was found to be unsatisfactory. On what ground then the over-looking of the claim of Ramdeo Pandey as the senior subordinate staff in relation to Nagina Ram was justified? Daftry's post admittedly carries a special allowance of Rs. 20 per month. When the bank makes a selection out of the members of the subordinate staff to such a post, it must have been done in accordance with some principle which does not in any manner discriminate one workman against

the other. When there is a post which carries a special allowance and that post is given to a junior member of the subordinate staff, the senior member of the staff is definitely prejudiced and that amounts to a discrimination of one staff against the other and it is to avoid such discrimination it is necessary that seniority amongst the subordinate staff is maintained as and when selection is made to the post of daftry. In para 513 on the special allowance in the settlement dated 19-10-66 it is stated that in re-allocating duties preference would be given from amongst those who are already performing the appropriate duties which carry special allowance. It is admitted that Sri Ramdeo Pandey acted as daftry in 1972 and 1973. There is no evidence that Nagina Ram acted as daftry any time before 1972 and 1973. So, the fact that Ramdeo Pandey acted as daftry earlier than Nagina Ram was a circumstance which should have weighed with the Bank when the permanent post of daftry was offered to Nagina Ram. In this regard the fact that no order in writing was given either to Ramdeo Pandey or Nagina Ram is a circumstance to show that the bank had no reasonable ground to refuse the daftry's post to Ramdeo Pandey. It is apparent from the circumstances that the failure on the part of the bank to choose Ramdeo Pandey as daftry is an act of discrimination and that it cannot be allowed to stand. The Bank is not justified in overlooking the claim of Ramdeo Pandey a senior man to Nagina Ram.

5. The workman has claimed arrear of special allowance from 1-9-75. In view of my finding that the bank was not justified in overlooking the claim of Ramdeo Pandey to the post of daftry with effect from 1-9-75, he shall be deemed to have been appointed to the post on that date being the seniormost sub-staff in relation to Nagina Ram. But, the claim for back allowance could not be allowed from that date. Taking into consideration the entire circumstance of the case I feel I am justified in asking the bank to pay special allowance to Sri Ramdeo Pandey from the date of the reference i.e. 24-6-1976 though he was to be deemed to have been selected to that post with effect from 1-9-1975. The bank shall permit Ramdeo Pandey to work as a daftry with immediate effect.

6. In the result, an award is passed in favour of Sri Ramdeo Pandey directing the Bank at 41-Chowringhee Road branch to post Sri Ramdeo Pandey to the post of Daftry with immediate effect. He shall be paid the special allowance of daftry from 24-6-1976.

E. K. MOIDU, Presiding Officer

Dated, Calcutta, 4th April, 1977.

[No. L-12012/57/76-D.II(A)]

R. P. NARUI A, Under Secy.

New Delhi, the 11th April, 1977

S.O. 1264.—In pursuance of section 17 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Tungabhadra Board and their workmen, which was received by the Central Government on the 5th April, 1977.

BETWEEN THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial dispute No. 10 of 1975

BETWEEN

Workmen of Tungabhadra Board, (P.O.) T. B. Dam,
Bellary Cantonment.

AND

The Management of Tungabhadra Board, (P.O.) T. B.
Dam, Bellary Cantonment.

APPEARANCES:

Sri A. M. Pushparaj, General Secretary, T. B. Board Factory Workers' and Civil Employees' Union, T. B. Dam for Workmen.

Sri K. Srinath, Executive Engineer, Head Works & H.L.C. Division, Tungabhadra Dam, for Management.

AWARD

The Government of India, Ministry of Labour through its Order No. J. 42012(6)/75-D 2(B) dated 17-3-1975 referred under Section 7A and 10(1)(d) of the Industrial Disputes Act, 1947 the following dispute existing between the Employers in relation to Tungabhadra Board and their Workmen to this Tribunal for adjudication:—

"Whether the Management of the Tungabhadra Board is justified in retrenching the following 14 workers of the Head Works & High Level Canal Division and three workers of low level Canal Division ignoring their written assurances given to the Union stating that there will be no retrenchment of any of the workers and, if not justified, to what relief the workers are entitled for the period of their remaining out of employment from the date of their retrenchment?"

Headworks and High Level Canal Division.

1. Sri S. P. Adikalani
2. Sri A. Gopalkrishna
3. Sri Bheema Reddy
4. Sri K. Krishnan Nair
5. Sri Seshappa.
6. Sri Sathyanarayana.
7. Sri Appa Rao.
8. Sri Thulaja Ram.
9. Sri Shaik Sab.
10. Sri Thangavelu.
11. Sri M. R. Narayan
12. Sri S. Rama Rao.
13. Sri Sathyanarayana.
14. Sri Ibrahim."

Low Level Canal Division

1. Sri Gangaiiah.
2. Sri Appanna.
3. Sri Chokkalingam.

2. The reference was registered as Industrial Dispute No. 10 of 1975 and notices were ordered to be issued to both the parties, in response to which the workmen filed their claims statement and the Management also filed a counter. There is no need to refer to the contentions put forward by the respective parties through their claims statement and counter since the dispute has been settled out of court.

3. This day a Joint Memorandum dated 27-3-1977 containing the terms of settlement entered into between the Employees' Union on the one hand and the Executive Engineer, Head Works and High Level Canal Division, Tungabhadra Dam on the other has been filed and it is requested that necessary action may be taken thereon. This Joint Memo is filed into by Sri A. Yohan, Office Assistant, Head Works and High Level Canal Division on behalf of the Executive Engineer. No one is present on behalf of the Workmen. I am satisfied about the authenticity of the signature of the General Secretary of the Employee's Union by name Sri A. M. Pushparaj found in the Memorandum of Settlement. Hence the Memorandum of Settlement is recorded.

4. The reference came to be issued in view of the notices of retrenchment served by the Management on 14 workers attached to the Head Works and High Level Canal Division and three workers attached to the Low Level Canal Division. In paragraph 3 of the Workmen's claims statement it was mentioned that this notice of retrenchment issued to the three workers attached to Low Level Canal Division had been withdrawn and that the services of the said three workmen

were continued and further that the dispute in respect of the said three workmen had been withdrawn as not pressed. The dispute, therefore, relates only to the fourteen workmen attached to the Head Works and High Level Canal Division.

5. The Memorandum of Settlement mentions that the Workmen shown as Serial Nos. 2 to 5, 7, 8 and 10 to 13 have been provided with alternative employment in the State of Karnataka and in the private sector and that the Employees' Union, therefore, does not press the claim regarding the said ten employees. The workman shown as Serial No. 1 is due to retire on 1-4-1977. Hence it is mentioned in the Memorandum of Settlement that the Employees' Union does not press the claim in respect of the said individual. The Workman shown as Serial No. 6 is alleged to have left service on 19-6-1977 after accepting the retrenchment compensation. Hence it is mentioned in the Memorandum of Settlement that the Employees' Union has already given up its claim in regard to the said individual.

6. We are, therefore, left with only two workmen shown as Serial Nos. 9 and 14 in the reference. The Memorandum of Settlement also shows that the management of the Tungabhadra Board has agreed to appoint these two persons also as fresh candidates from the date of their reporting for duty on the pay which was drawn by them at the time of their retrenchment without back wages and without continuity of service. It is further mentioned that the Employees Union and the said two persons have agreed to such appointments as fresh candidates and further not to claim any back wages or continuity of service. It is also recited that the dispute has been fully settled and that there is no claim whatsoever between the parties which remains to be adjudicated upon. It is requested that an award might be passed in these terms.

7. From what has been stated above it is evident that the Union gave up its claim regarding the workmen attached to the Low Level Canal Division, that 11 of the 14 workmen attached to the Head Works and High Level Canal Division including one who is due to retire on 1-4-1977 have already been provided with alternative employment, that another workman attached to the same Division left service in 1972 itself having settled his claims in full. That was the reason why the Employees' Union has chosen to withdraw its claim in regard to the said 12 workmen. As far as the other two workmen are concerned the Management has agreed to take them back into service in return for which both the Employees' Union and the two workmen concerned have agreed not to press their claim for back wages and continuity of service.

8. Thus all the disputes have been amicably settled between the parties. There is no reason to suppose that this Settlement is the result of fraud, coercion or collusion. The terms of the Settlement are just, fair and reasonable and can safely be made the basis of an award. Moreover the Employees' Union has not adduced any evidence before this Tribunal to come to a different conclusion.

9. An award is hereby passed in terms of the Settlement dated 27-3-1977. A copy of the memorandum of settlement shall be attached to the award.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 28th March, 1977.

K. P. NARAYANA RAO, Industrial Tribunal

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)

HYDERABAD

I.D. 10/of 1975

I Party Workmen

Vs.

II Party The management of Tungabhadra Board.

JOINT MEMORANDUM OF SETTLEMENT FILED BY BOTH PARTIES UNDER 18(1) OF I.D. ACT 1947.

The first party preferred claims statement in respect of 13(thirteen) retrenched workmen from the Repair Yard Sec-

under the Tungabhadra board. The said claim statement was filed before the Tribunal on 11-4-1975.

During the pendency of the above case the Union proposed certain terms of compromise. The same was considered by the management.

After mutual negotiations both parties have compromised the dispute on the following terms without prejudice to their respective contentions.

TERMS OF SETTLEMENT

1. The first party does not press the claims regarding the following ten employees as they have been provided with alternative employment in the State of Karnataka and private Sector.

1. S. Ramarao. 2. Krishna Nair. 3. Bhcemareddy. 4. A. Gopalakrishnan. 5. M. R. Narayanan. 6. M. K. Thangavelu. 7. Sheshappa. 8. S. Sathyanarayana. 9. Thularai Ram. 10. Apparao.

2. The first party does not also press the claim in respect of one workman, Sri S. P. Adaikalam who is due to retire on 1-4-1977.

3. The first party has already given up its claims in the claim statement itself in respect of the workman Sri. D. Sathyanarayana who accepted the retrenchment and left service on 19-6-1972 (the date of retrenchment.)

4. The Second party agrees to appoint Shri Ibrahim Machanic Grade IV and Sri Shaik Sab, Machanic Grade IV as fresh candidates from the date of their reporting for duty on a pay which was drawn by them at the time of their retrenchment from service without back wages and without continuity of service. The Union and the said two persons have agreed to such appointment as fresh candidates and further agreed not to claim any back wages or continuity of service. Further it is clearly understood between the parties that the above said two persons are not entitled for any benefits in respect of their previous service in the Board.

5. Both parties agree that the dispute in the above case is fully settled leaving no claim whatsoever between the parties.

6. Both parties pray that the Honourable Tribunal may be pleased to pass an award on the above terms.

7. It is agreed that each party will bear its own costs.

Dated at Hospet on this Twenty seventh day of March 1977.

I PARTY

General Secretary,

T. B. Board Factory Workers
& Civil Employees Union
TUNGABHADRA DAM.

II PARTY

Executive Engineer,

H. W. & H. L. C. DN. T. B. DAM.

K. P. NARAYANA RAO, Industrial Tribunal

[No. L-42012(6)/75-D. II(B)]

New Delhi, the 15th April, 1977

S.O. 1265.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relations to the management of Tarapur Atomic Power Station, and their workmen.

16 GI/77—6

which was received by the Central Government on the 12th April, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 BOMBAY

Reference No. CGIT-2/15 of 1975

Employers in relation to the management of the Tarapur Atomic Power Station.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri P. R. Namjoshi, Advocate.

For the workmen—1. Shri C. L. Dudhia, Advocate.
2. Shri A. K. Gupta, President TAPS Employees' Association.

INDUSTRY : Power Stations.

STATE : Maharashtra.

Bombay, dated the 5th March, 1977

AWARD

The Government of India, in the Ministry of Labour by Order No. L-42012/2/75-D. II B dated the 18th August, 1975 in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the I.D. Act, 1947 referred the following dispute for adjudication.

"Whether the action of the administration of Tarapur Atomic Power Station in terminating the services of Shri P. R. Naik, Scientific Assistant 'B' with relief from 19-11-1974 is justified ? If not, to what relief is Shri P. R. Naik entitled ?"

The Tarapur Atomic Power Station (TAPS) is an establishment run by the Department of Atomic Energy, Government of India. It carries on the business of selling electric power to the Electricity Boards of Maharashtra and Gujarat. As a result of interview Shri P. R. Naik, who is a diploma holder in Mechanical Engineering, was selected to undergo training in operation and maintenance of Atomic Power Station and the duration of training was 18 months commencing from August 1, 1972. This was subject to his undergoing a medical test of fitness by the Medical Officer of the Power Station. On successful completion of the training he could be absorbed in one of the three grades namely, Scientific Assistant in grade A, B or C. Scientific Assistant (B grade) carried the pay scale of Rs. 250-15-475 (pre-revised). He was also asked to execute an agreement/fidelity bond which he duly executed. On 3rd August, 1972 Shri Naik was medically examined by the Medical Officer of the Tarapur Atomic Power Station along with others. On Shri Naik the Medical Officer observed thus :—

"Fit for job not requiring binocular vision and that he should be given protective glasses to wear when there is likelihood of any harm or injury to his sound eye".

Having regard to such a medical report Shri Naik was given training in Mechanical Maintenance Section. After the completion of training period for 18 months he was again medically examined by the Medical Officers of the Bhabha Atomic Research Station (BARS) Bombay on the 18th February, 1974 and the Team of Medical Officers, who examined him observed as follows :—

"Shri P. R. Naik of TAPP Section/Division, on initial Medical examination was found to have (?) Cong. Amblyopia Lt. eye. Hence he should not be engaged

in a job requiring binocular vision and where there is likelihood of any injury to this sound eye. In addition, he also had incomplete red-green colour blindness on Ishara's chart, for which he should not be engaged in a job requiring finer colour discrimination."

Regard being had to such a report, although regular appointment letters in respect of other trainees were issued by Memorandum No. TAPS/ADM/1404-B-II dated the 23rd August, 1974, it was not done in case of Shri Naik. Instead pending final decision, on the 9th April, 1974 he was assigned to do the following duties :—

- "1. Follow up of preventive and breakdown maintenance of Air conditioning and Ventilation System equipments except V-24 AB fans.
2. To prepare monthly statement for job Cards follow up for the entire section.
3. To provide Technical help to Asstt. Engineer Shri G. C. Manilal to prepare spare parts sketches." (Vide Annexure 'C' to the written statement of the management of TAPS).

By Memorandum dated the 7th October, 1974 Shri P. R. Naik was informed of the report of the second Medical Examination and he was informed that after careful consideration of the Medical report it was decided to discontinue his services on medical grounds with effect from the 9th November, 1974. He was given option to make an appeal within a month. He made an appeal to the Appellate authority viz. The Chief Superintendent, Tarapur Atomic Power Station. It was rejected by Memorandum dated the 31st October, 1974. Shri Naik, however, was informed that in case he wished to appeal against the Medical report he could do so together with evidence in support of his contention so that the matter could be referred to a Medical Board. He was also informed that in case on the basis of the second medical report, he was found fit for employment he will be eligible for re-employment. No appeal was preferred against the Medical report but a representation was made to the Government of India and they by their letter dated the 14th February, 1975 rejected his representation and in doing so it was intimated to him that a post of an Upper Division Clerk in the the revised scale of pay Rs. 330-560 in Tarapur Atomic Power Station could be offered to him. Meanwhile a dispute had arisen and in the Conciliation Proceeding before the Regional Labour Commissioner (Central), Bombay, the management had offered him the post of an Upper Division Clerk to which Shri Naik and TAPS Association (hereinafter referred to as Union) which had espoused the cause, were not agreeable. They, on their behalf, suggested that Shri Naik should be absorbed in Technical Section or Training Section or Import Substitution Section where the same or similar grades of Scientific Assistants were available. The representatives of the management were not agreeable to this since according to them these Sections could be wound up at any time and the post was interchangeable. The services of Shri Naik came to an end with effect from the 9th November, 1974 and the report of the failure of Conciliation Proceeding having been submitted to the Government, the present reference has been made.

3. In the statement of claim filed on behalf of Shri P. R. Naik it is contended that he successfully completed the training period to the entire satisfaction of his superior Officers and that the two Medical Reports were not different and that there was no deterioration in his eye sight. During the conciliation proceeding the Union pointed out to the Management that Shri Naik could be absorbed in Technical Service Section or Training Section or Import Substitution Wing where the same or similar grades were available. This legitimate offer was turned down by the Management saying that this section could be wound up at any time. The contention is that these sections, are still in existence and fresh appointments were made therein. The offer by the Management of the post of Upper Division Clerk, which was a clerical and ministerial post, was strange and unfair. The termination of services of Shri Naik was characterised as bad, irregular, improper, unjust and effected for extraneous reasons and with mala fide intentions and a prayer was made for an order

for reinstatement in the same post with continuity of service and back wages. Further contention in the statement of claim was that regard being had to the terms of the agreement executed by Shri Naik and the fidelity bond it was evident that he was appointed in regular employment in the grade of Scientific Assistant 'B' with effect from 1-2-1974 without any further re-condition. This aspect of the case, however, was not pressed at the time of hearing.

4. The case of the Management of Tarapur Power Station (hereinafter referred to as the Management) is that a result of the first medical examination Shri Naik was not given job in the machine shop and he was taken for training with a sincere hope that his vision will not deteriorate any further. After completion of training Shri Naik was medically examined in terms of supplementary rules 3 and 4. The second medical examination revealed that his vision had further deteriorated in that he had developed partial colour blindness during the period of training. Pending final decision on him on 9-4-1974 he was allotted to do certain works on a provisional basis and that during this period he was not being utilised fully. As soon as the decision was taken regarding Shri Naik's unsuitability he was communicated the decision on 7-10-1974 with a proviso that in case he intended to appeal against the decision he could do so within a period of one month. Shri Naik did not ask for a second medical opinion rather he filed an appeal before the Appellate Authority in TAPS and then a representation to Govt. of India, which were both rejected. The Management summed up by saying that in fact Shri Naik is one eyed person and inspite of this fact on sympathetic consideration he was offered a clerical post but Shri Naik turned it down. The Management has made it clear that they have nothing personal against Shri Naik and that termination of his services was solely on medical grounds and that their action on doing so is bonafide and that he is not entitled to any relief.

5. On 22-10-1975 the Association filed a rejoinder saying that in the order of appointment it was no where stated that Shri Naik will have to undergo a second medical check-up. This contention was not pressed at the time of hearing. The Association however emphasized that Shri Naik's vision did not deteriorate, rather it was just what it was at the time of his first medical examination. Regarding the note dated 9-4-1974 (Annexure C) the contention is that it represented allotment and regular duties to Shri Naik and that he was fully utilised during the period, that with effect from 1-3-1974 he was allotted regular work in respect of maintenance and repairs.

6. The Management on the 17th December, 1975 filed a rejoinder to the above rejoinder of the Association and denied allegations made against the Management.

7. The learned Counsel for the Association vigorously argued that this unfortunate situation was brought about because of the erroneous assumption by the Management of the fact that eye sight of Shri Naik deteriorated between the first and the second medical examination. Shri Naik has deposed that as a trainee he joins on the 8th August, 1972 and after the medical examination he was allotted training in the Mechanical Maintenance Section and dealt with preventive and breakdown maintenance on ventilation system compressed air system and various pumps. He is clear that his vision has not deteriorated after he joined the service. In support of his contention that his eye sight did not deteriorate any further he produced as his witness a private eye specialist Dr. Shirpath Sathe, who had examined Shri Naik on 12-4-1976 and on the basis of his examination he has deposed that the two medical reports are the same and that there was no deterioration. He has also deposed that this defect of colour vision is a congenital one and permanent, not likely to improve or deteriorate by medical treatment.

8. In order to substantiate his case that there was no deterioration in Shri Naik's eye sight, reliance is placed upon the fact that during the training period of 18 months he had done his job satisfactorily that even after the second medical examination till 9th April, 1974 he continued to do the same work which he had been doing the period of training. Two log Book registers collectively marked as exhibits E-9 commencing from January, 1974 onwards have been

filed. On the basis of entries made therein it was urged that even after 9th April, 1974 he was doing the work in addition to what is in Appendix 'C' that too independently.

9. I have already reproduced the first medical report and the one after the training period of 18 months. It will be noticed that the second medical report mentions something which is not to be found in the first medical report. This is "in addition he also had incomplete red-green colour blindness on Isharas' chart for which he should not be engaged in job requiring finer colour discrimination." Controversy centres round the fact, whether Shri Naik had this defect at the time of the first medical examination. In support of the contention that he had this defect reliance is placed upon the testimony of the private eye specialist, who has been examined. There are cogent reasons why the contention advanced on behalf of Shri Naik cannot be sustained. Had the Medical Officer on the first occasion found the defect which was found on the second medical examination, obviously he would not have failed to mention this fact. The Medical Officer was careful enough to prescribe that he was fit only for the job which did not require binocular vision and also emphasized that he should be given protective glasses to wear. In case of any other defect it is elementary he must not have omitted to mention it. While rejecting his appeal, the Appellate authority (vide Ex. E-5) Shri Naik was clearly told that he could appeal against the second medical report and he was also given the assurance that if as a result of appeal against the 2nd Medical report he was found fit for employment he will be eligible for employment. When a categorical assurance was given Shri Naik chose not to avail himself of that opportunity. That was the occasion when he should have placed all the facts before the medical authorities. In this connection no doubt there is the evidence of Dr. Sathe but it is difficult for me to uphold his testimony. Dr. Sathe had not examined Shri Naik on the first occasion nor on the second occasion and for him now to say that the defect as pointed out in the second medical examination existed even at the time of the first medical examination does not carry conviction. Regarding his assertion that the defect is congenital he is not hundred per cent sure.

10. My attention was invited to supplementary Rules 3 and 4 and it was argued that the two medical certificates are not in the form as prescribed therein. I do not think that even if the certificates do not conform strictly to what is in these two supplementary Rules, they should be thrown out of consideration. It was also urged that none of the two medical reports categorically said that he was unfit for the job of Scientific Assistant. This aspect of the matter can not avail Shri Naik since reports have to be read as a whole.

11. Shri Naik has deposed that during the period of training till 9th April, 1974 there was no complaint regarding his work and this showed that there was no deterioration in his eye sight. For the management, Shri Kothari (Chief Superintendent TAPS) has deposed that when the question of Shri Naik's absorption in the regular cadre came up for consideration two defects in his eye sight were brought to his notice. Since on his permanent absorption he will have to work independently on machinery and with these two defects there was possibility of injury to his eyes as well as damage to the equipments of the Power Station he took the decision to terminate his service. He has further stated that during training Shri Naik was not doing any independent job but he was generally associated with people who were actually performing duties. On his attention having been drawn to monthly reports for the months of February and March, 1973 (Ex. E-7) he has deposed that they show that Shri Naik was assigned the maintenance work independently but he added under training a trainee has to work under some body since if a mistake is committed by a trainee no responsibility can be fixed on the trainee. There were 15 persons who supervised the work of the trainees. Even if the reports Ex. E-7 did not show the name of any other person under whom Shri Naik carried out the work, Shri Kothari has deposed there would be papers in the Office to show who worked along with Shri Naik. Shri Kothari has also deposed that the nature of work carried out by Shri Naik during the training period required fine colour discrimination. Shri Kothari also deposed it was a matter of good luck that no incident took place with any machinery because of the double defect in the eyes of Shri Naik. Above is the kind of evidence on

medical reports and work of Shri Naik. On their basis it cannot be held that the management proceeded on an erroneous assumption that the eye sight of Shri Naik had deteriorated and accordingly terminated his services.

12. It was next vehemently argued that even with the defects Shri Naik had and which was brought out by the two medical reports, he was quite suitable for the post of Scientific Assistant 'B' grade. The contention is that even after the second medical examination till 9th April, 1974 he continued to do the same type of work which he was doing during the period of his training and that even thereafter the three kinds of work (Appendix 'C') which were allotted to Shri Naik pending a final decision on him, were also of the same kind. In this connection I have already referred to the evidence of Shri Kothari who has stated that it was not all alone that Shri Naik had worked during the training period and that it was sheer good luck that unfortunate event took place despite deterioration in the eye sight of Shri Naik. He was cross examined with respect to each of the three items mentioned in Annexure 'C' and his evidence in this regard will be found on pages 8 and 9 of his deposition. They show that work to Shri Naik was to go through the record and find out which equipment was due for preventive measures, check up with the concerned supervisor to ensure that the preventive measures had been taken up. As regards breakdown maintenance he had to follow up the progress and point out delay, deficiency etc. He has to move from the office to place where the work was in progress. Item 2 of Appendix 'C' was a strictly table work. Item 3 was also table work but he had to take dimensions of the equipment spare parts. It was taken out from him that somebody of the grade of Scientific Assistant would have been doing that job before it was entrusted to Shri Naik. On the score of this statement it was meant to urge that these were works of a Scientific Assistant grade 'B'. This, however, cannot be a necessary conclusion because the next sentence of Shri Kothari's evidence says that if a Scientific Assistant is not available then an Engineer himself does the job. Therefore it is not possible to say that the three items of work in Appendix 'C' indicated that Shri Naik was doing the same kind of job which he did during the period of his training.

13. Next argument on behalf of the Association is that full time job existed in the TAPS which could be given to Shri Naik even with the defects that he had. In this connection reference was made to three sections namely, Technical Section, Training Section and Import Substitution Section. Evidence of Shri Kothari indicates the kind of work that was done by the Technical Section or Training Section or Import Substitution Section. In Technical section Scientific Assistants have to assist Engineers in performance evaluation and to do surveillance of the equipment in operation. Training section gives training to Engineers, Diploma holders, Science graduates and Tradesman. Import Substitution Section has to find Indian substitutes for imported equipments and its spare parts. Shri Naik has deposed that there were new recruitments in the Technical service section, namely, Shri P. K. John and Shri C. B. Save and they joined on 8-8-1975. Shri Chowdhury was working in the Training section and Shri S. K. Ramgopalan and Shri S. K. Roy were working and they were of Scientific Assistant 'B' grade. Shri Ramgopalan and Shri S. K. Roy were appointed during his training period and Shri Chowdhury was appointed directly during his training period. Some explanation has been given by the Management as to why Shri Naik could not be absorbed in any of these three sections. During the conciliation proceeding, the reason given was that these sections would be wound up at any time and the post was interchangeable (vide report of the Conciliation Officer Ex. W-8). Manifestly this plea cannot avail them in as much as there is evidence that appointment to these sections were made even during the training period of Shri Naik. In paragraph 8 of the written statement dated 17th December, 1975 the Management said that the post of Scientific Assistants were interchangeable between section to section depending on the work requirement and it was difficult in a power station like TAPS where the work involved was of a highly sophisticated technology to assign a particular job to a person to suit his medical standard throughout his career. In the evidence Shri Kothari has deposed that after the termination of service of Shri Naik, about five persons were recruited for the Training and Import substitution section and that no medical opinion was obtained whether Shri Naik could be absorbed in the Import substitution or Training section, since his experience and training

were not considered suitable for these sections. When his attention was drawn to what was stated in the Conciliation proceeding as the reason for not offering these posts to Shri Naik, Shri Kothari deposed that the Management's stand during the Conciliation proceeding was valid except that Technical Service section was generally of permanent nature and the posts were interchangeable. He has also stated that the fact that the Management offered him a clerical post implied that he was not considered fit for any of the technical posts.

14. Looking into the nature of work to be carried in these three sections and regard being had to the fact that there had been subsequent recruitments, Shri Naik could have been absorbed in any one of these sections at the time his service was terminated. The question, however, is whether these sections were such that he could have been fully utilised therein or he could have continued therein throughout his career and whether no absorption of Shri Naik in any of these posts can be characterised as unfair and unjustified. There is no material to show that Shri Naik could have been fully utilized in any of these sections till the date of his superannuation. In one's service career one looks for increment and promotions from one grade to another. One even comes to occupy the highest post in the Management. This is not the contention of Shri Naik that he would have all along been satisfied with the pay scale of Scientific Assistant 'B' grade. In this connection, following observation made by the Supreme Court in a dispute between Orissa Cement Limited, Rajganpur and their workmen and another (1960, II, LLJ, 91) is important. "The Tribunal has, no doubt observed that the respondent should have been taken as a telephone operator. We do not see how this can have a material bearing on the question with which the tribunal was concerned. The respondent was appointed as a Wireman, and if the appellant was justified in discharging as such, there was no obligation on the appellant to give the respondent another employment on its staff." In view of the above observation it must be held that the Management had no obligation to give Shri Naik any post in any of the three sections, namely, Technical Section or Training Section or Import Substitution Section. Besides this it was the Management which is the best judge whether for the whole service career of Shri Naik sufficient work could be found in these sections and also whether he could be retained therein even in case of highest promotion that he may be entitled to. This Tribunal has no material to investigate such administrative question rather if it embarks upon such a course it would be treading on a treacherous ground.

15. No specific argument was advanced on the question of malafide or extraneous consideration. Infact there is also no evidence whatsoever in this regard. On the other hand, Shri V. V. Kothari and the learned Counsel on his behalf made it clear that they had nothing personal against Shri Naik and that the only ground on which such a painful decision had to be taken, was the deterioration in the eye sight of Shri Naik. The decision was taken by Shri V. V. Kothari and he examined himself. There was not even a suggestion against him that he had been actuated by any malafide motive or extraneous consideration. Thus the plea of malafide motive or extraneous consideration cannot be upheld.

16. No doubt Shri Naik has suffered some monetary loss. He lost a Government service and became unemployed. From 28-12-1974 upto 16th August, 1975 he was employed with the Sarvodaya Engineering Company on a salary of Rs. 400/- p.m. Afterwards he became unemployed. Then he got an employment from 25-10-1975 to 25-1-1976 in V. V. Bichu Auto Industries on a salary of Rs. 400 p.m. From 1st of February, 1976 he is employed in M/s. Gogte Steels Ltd., at Rs. 650/- p.m. As a Scientific Assistant 'B' grade he would have drawn Rs. 800 p.m. It was argued on behalf of the management that in order that career of a young man be not blasted Government took a compassionate view of the matter and offered him a clerical job. I have already dealt with this aspect of the matter and notwithstanding the monetary loss and sympathy for the young man I feel that this Tribunal would be exceeding its jurisdiction if it ordered Shri Naik's absorption in any of the three sections or in any other department of TAPS

17. Regard being had to the view that I have taken of the matter it must be held that the action of the administration of Tarapur Atomic Power Station in terminating the services of Shri P. R. Naik, Scientific Assistant 'B' with effect from 9-11-1974 is justified, and that he is not entitled to any relief. The reference is answered accordingly.

J. NARAIN, Presiding Officer.

[No. J-42012(2)/75-D.II(B)]

HARBANS BAHADUR, Desk Officer.

New Delhi, the 20th April, 1977

S.O. 1266.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the Industrial dispute between the employers in relation to the management of Damoda Colliery of Bharat Coking Coal Limited, Post Office Nudkharkee (District Dhanbad) and their workmen, which was received by the Central Government on the 6th April, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 17 of 1976

(Ministry's Order No. L-20012/181/76/D.IIIA, Dt 26-11-1976)

PARTIES :

Employers in relation to the management of Damoda Colliery of Bharat Coking Coal Limited, Post Office Nudkharkee (District Dhanbad);

AND

Their Workmen

PRESENT :

Mr. Justice K. B. Srivastava (Retd.), Presiding Officer.

APPEARANCES :

For the Employers—Shri G. Prasad, Advocate.

For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 30th March, 1977

AWARD

The Central Government, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act has referred the following dispute for adjudication to this Tribunal, namely :—

"Whether the action of the management of Damoda Colliery of Messrs. Bharat Coking Coal Limited, Post Office Nudkharkee, District Dhanbad in removing the name of Sri Deo Nandan Sharma, General Mazdoor, from permanent roll vide their letter dated the 14th November, 1975, is justified? If not, to what relief is the said workman entitled and from which date?"

2 In response to the usual notices, the Bharat Coking Coal Limited and the Secretary, Rashtriya Colliery Mazdoor Sangh filed their respective written statements.

3. The dispute is in respect of Deonandan Sharma General Mazdoor, in the Damoda Colliery of Bharat Coking Coal Limited. It is an admitted fact that Deonandan Sharma made an application Ext. M-1 on October 19, 1975 for 9 days leave for the period October 22, 1975 to October 31, 1975 and the leave applied for was granted by the Manager of the Colliery. It is also not denied that he was to resume duty on November 1, 1975 on the expiry of his leave. The Bharat Coking Coal Limited alleges that he over-stayed his leave by more than ten days and, therefore, the Bharat Coking Coal Limited terminated his lien on the permanent post of a General Mazdoor by an order dated November 14, 1975 which was duly served on him on November 15, 1975. It further alleges that the Bharat Coking Coal Limited was competent to terminate the lien under Standing Order No. 10(f)(a). It further alleges that after the termination of his lien, his name was entered in the list of 'Badli' workers as provided for in the Standing Order. It then alleges that the action of the Bharat Coking Coal Limited was bona fide and no unfair labour practice was committed and, therefore, Deonandan Sharma is not entitled to any relief. The Rashtriya Colliery Mazdoor Sangh, on the other hand, alleges that Deonandan Sharma suddenly became indisposed and could not resume his duty on November 1, 1975 and, therefore, he sent an application for extension of leave, accompanied by a medical certificate, and this application was presented to the peon of the Manager of the Colliery by his son and the said peon presented it before the Manager. It is then alleged that Deonandan Sharma reported for duty on November 4, 1975 but was not allowed to resume duty and instead the order terminating his lien on the permanent post was served on him. It is further alleged that the union also took up the matter with the Manager but nothing worthwhile happened and since conciliation also failed, he is entitled to restoration of his lien on the permanent post with continuity of service and full back wages.

4. The Bharat Coking Coal Limited has examined Raj Rajeshwar Prasad Singh, Senior Personnel Officer, as MW-1 and Deonandan Sharma has examined himself as WW-1. The sheet-anchor of Bharat Coking Coal Limited is Standing Order No. 10(f)(a). The attested copy of this Standing Order has been filed but no attempt was made to prove it. Even if it can be taken into consideration, without proof, it says that if a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose lien on his appointment unless he—(a) returns within ten days of expiry of his leave, and (b) explains to the satisfaction of the manager his inability to return on the expiry of his leave. In case, the workman loses as aforesaid, his lien on the appointment, he shall be entitled to be kept on the 'badli list'. The Standing Order confers a power on the Bharat Coking Coal Limited to terminate the lien of a workman on his permanent post, if he over-stays the period of his leave by ten days. The power, however, will not be exercised if a satisfactory explanation is offered for the period of over-stay. If the explanation is not satisfactory, the lien will be terminated but the services of the workman will change from the status of a permanent workman to that of a 'badli' workman. The learned counsel for the Bharat Coking Coal Limited argued that either reliance be placed on this unproved Standing Order or, at any rate, on the Model Standing Order No. 10(e) (a) which is in pari materia with the unproved Standing Order. I am prepared to proceed on the assumption that the Standing Order stands proved. Now, let us see the evidence. Raj Rajeshwar Prasad Singh, Senior Personnel Officer, has no personal knowledge in the matter. He is posted as Senior Personnel Officer at Barora, the Head-quarters of Area No. I. The Head-quarters is 12 kilo-meters distant from the Damoda Colliery. What is more, he is posted at this head-quarters only since November 29, 1976 and neither claims nor obviously has any personal knowledge about the leave matter of Deonandan Sharma. He does not know whether Deonandan Sharma over-stayed his leave by one day, or 2 days, or 3 days or more. The penalty of termination of lien, as has been seen above, will apply only if a workman does not return within ten days. The Bharat Coking Coal Limited has not led any evidence to show that he had returned beyond that period, and unless that was established no occasion would arise for the exercise of the power to terminate the lien. Deonandan Sharma has deposed that he became indisposed and sent a letter for extension of his leave, alongwith a medical certificate, which was presented by his son, who resides in the colliery, to the manager's peon and the peon submitted it to the manager. I am not inclined to place any reliance

upon this because, on his own admission, he was on leave at his native village Aurangabad on the material date and his knowledge that his son gave the application and the certificate to the peon must be based on conjecture. He has not examined his son or even the peon to prove that any such application or certificate was actually presented to the manager. He has not even summoned these documents in support of his case. However, he has deposed that he returned to the colliery on November 4, 1975 and requested for resumption of duty but no duty was assigned. He has further stated that in that event he returned to his home at Aurangabad and came back to the colliery for the second time on November 9, 1975 and again made an attempt to resume his duty but that attempt also failed. This evidence of his has not been controverted by the Bharat Coking Coal Limited. I see no reason to discard this evidence when cross-examination has failed to break him. Even if I take into consideration the later date, namely, November 9, 1975 as the date of his return to duty, there will be no breach of the Standing Order which imposes the penalty only if the workman does not return within ten days computed from the expiry of the period of his leave. He was present on the 9th day and, therefore, the manager exceeded his power in seeking the aid of the Standing Order No. 10. The termination of the lien must, therefore, be held to be bad. The result is that he must be reinstated to his permanent post and not treated as a 'badli' workman. The next question is as to continuity of service. There can be no doubt that there would be continuity because the period of absence can be treated as period of leave adjustable against leave already due or leave which would become due or it can be treated as period of leave without wages. I see no reason why the continuity of his service be broken, in the circumstances aforesaid. I, therefore, direct that there would be continuity of his service. With regard to wages, I think it would be reasonable to deprive him of wages for the period November 1, 1975 to November 8, 1975. It is he who was absent during this period. After November 9, 1975 the Bharat Coking Coal Limited was at fault in terminating his lien and in not giving him employment. He shall, therefore, get his full wages from November 9, till such date as he is appointed on his original post.

5. My award is that the action of the management of Damoda Colliery of Messrs Bharat Coking Coal Limited in removing the name of Deonandan Sharma, General Mazdoor, from permanent roll is not justified. Deonandan Sharma is entitled to be reinstated on his permanent post with effect from November 1, 1975 but he shall not be paid his wages for the period November 1, 1975 to November 8, 1975. He will get his full back wages from November 9, 1975 till the date of his reinstatement.

K. B. SRIVASTAVA, Presiding Officer

[No. L-20012/181/76-D.III.A]

S. H. S. IYER, Desk Officer

भाषाज्य मंत्रालय

नई दिल्ली, 30 अप्रैल, 1977

प्रारण

क्र० प्र० 1267.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की यह राय है कि भारत के निर्यात व्यापार के विकास के लिये फलों के उत्पादों को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन करना आवश्यक तथा समीचीन है;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिये नीचे विनिर्दिष्ट प्रस्तावों को निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) द्वारा अधेक्षित के अनुसार निर्यात निरीक्षण परिषद को भेज दिया है,

अन्य बात, उक्त उप-नियम के अनुसरण में, केन्द्रीय सरकार उन सभी लोगों की जानकारी के लिये जिनके उनसे प्रभावित होने की संभावना है, उक्त प्रस्तावों को प्रकाशित करती है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आपेय या सुझाव देने की बाँछा करने वाला कोई व्यक्ति उसे इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिनों के भीतर निर्यात निरीक्षण परिषद, 'वर्ल्ड ट्रेड सेंटर', 14/1-बी०, एजरा स्ट्रीट (सातवीं मंजिल) कलकत्ता-1 को भेज सकता है।

प्रस्ताव

(1) यह अधिसूचित करना कि फलों के उत्पाद निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;

(2) क्वालिटी नियंत्रण और निरीक्षण के प्रकार को, समय-समय पर संशोधित, फल उत्पाद आदेश, 1955 के अनुसार क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करना जो कि ऐसे फल-उत्पादों पर लागू होगा;

(3) समय-समय पर संशोधित फल-उत्पाद आदेश, 1955 में विनिर्दिष्ट विनिर्देशों को उक्त फल-उत्पादों के लिये मानक विनिर्देशों के रूप में मान्यता देना;

(4) अन्तर्राष्ट्रीय व्यापार के दौरान निर्यात का तब तक प्रतिषेध करना जब तक कि वह पर जिसमें फल उत्पादक किये गये हैं, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 की धारा 8 के अन्तर्गत केन्द्रीय सरकार द्वारा उम प्रयोजन के लिये मान्य चिह्न या सील न लगी हो कि फलों का परेक्षण क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों को पूरा करता है तथा निर्यात योग्य है;

3. इस आदेश की कोई भी बात भावी क़ेताओं को फलों के नमूनों पर बायु, भू तथा समुद्र मार्ग द्वारा निर्यात पर लागू नहीं होगी, परन्तु यह तब जब ऐसे नमूनों का मूल्य पोत पर्यन्त निःशुल्क मूल्य के एक सौ रुपये से अधिक न हो।

4. इन आदेश में 'फल उत्पाद' से निम्नलिखित अभिप्रेत है:—

- (1) कृत्रिम पेय, मिरप तथा शरबत;
- (2) सिरका चाहे तैयार किया हुआ हो या कृत्रिम;
- (3) अचार;
- (4) निर्जलित फल तथा सब्जियाँ;
- (5) स्क्वैश, क्रश, काजियल, जौ का पानी, बैरल रस तथा तुरन्त प्रयोग योग्य फलों के रसों या फलों के गूद वाले अन्य पेय;
- (6) जम, जेली तथा मुरब्बे;
- (7) टमाटर के उत्पाद, चटनी तथा सॉस;
- (8) संरक्षक पदार्थ, पैक किये हुए, क्रिस्टल किये हुए फल तथा छिलके;
- (9) चटनियाँ;
- (10) डिब्बे तथा बोतल में बन्द फल, रस तथा गूदा;
- (11) डिब्बे तथा बोतल में बन्द सब्जियाँ;
- (12) प्रशीतित फल तथा सब्जियाँ;
- (13) फलों के रस तथा गूदे वाला दालित जल;
- (14) फल-मस प्लैकस;
- (15) फल तथा सब्जियों से संबंधित अविनिर्दिष्ट कोई अन्य वस्तुएँ।

[सं० 6(2)/77-नि० ति० तथा नि० उ०]

MINISTRY OF COMMERCE

New Delhi, the 30th April, 1977

ORDER

S.O.1267.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 ((22 of 1963), the Central Government is in the opinion that it is necessary or expedient so to do for the development of export trade of India that Fruit Products should be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within fortyfive days of the date of publication of the order in the official Gazette to the Export Inspection Council, 'World Trade Centre, 14/1B, Ezra Street (7th floor), Calcutta-1.

PROPOSALS

(1) To notify that the Fruit Products shall be subject to quality control and inspection prior to export;

(2) to specify the type of quality control and inspection in accordance with the Export of Fruit Products Order, 1955, as amended from time to time, as the type of quality control and inspection, which shall be applied to such fruit products;

(3) to recognise the specifications specified in the Fruit Products Order, 1955, as amended from time to time, as the standard specifications for the said fruit products;

(4) to prohibit the export in the course of international trade unless the container in which any fruit product is packed shall bear such mark or seal, recognised for the purpose by the Central Government under section 8 of the Export (Quality Control and Inspection) Act, 1963 to the effect that the consignment of fruit products satisfies the condition relating to quality control and pre-shipment inspection and is exportworthy.

3. Nothing in this order shall apply to the export of samples of the fruit products to prospective buyers by land, sea or air provided the value of such samples does not exceed in F.O.B. value of rupees one hundred.

4. In this Order "fruit products" shall mean,—

- (1) Synthetic beverages, syrups and sherbats;
- (2) Vinegar, whether brewed or synthetic;
- (3) Pickles;
- (4) Dehydrated fruits and vegetables;
- (5) Squashes, crushes, cordial, barley water, barreled juice and ready-to-serve beverage, fruit nectar or any other beverages containing fruit juices or fruit pulp;
- (6) Jams, Jellies and marmalades;
- (7) Tomato products, ketchup and sauce;
- (8) Preserves, candied and crystalised fruits and peels;
- (9) Chutneys;
- (10) Canned and bottled fruits, juices and pulp;
- (11) Canned and bottled vegetables;
- (12) Frozen fruits and vegetables;
- (13) Aerated waters containing fruit juice and pulp;
- (14) Fruit cereal flakes;
- (15) Any other unspecified items relating to fruits or vegetables.

[No. 6(2)/77-EI&E. P]

क्रा० आ० 1268.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार फल उत्पाद आदेश, 1955 के अन्तर्गत जारी किये गए प्रमाण-पत्र को फलों से संबंधित चिह्न या सील के रूप में मान्यता देने का प्रस्ताव यह सूचित करने के प्रयोजन के लिये करती है कि ऐसे फलों के पैकेज या डिब्बों के साथ (फल तथा सब्जियों परिरक्षण) खाद्य तथा आहार बोर्ड, खाद्य विभाग, सिचाई तथा कृषि मंत्रालय के निदेशक या इसके लिये उसके द्वारा प्राधिकृत अधिकारी द्वारा दिया गया इस आशय का प्रमाण-पत्र लगा होगा कि ये वस्तुएँ उक्त आदेश के अनुसार तैयार, पैक तथा लेबल की गई हैं तथा ऐसे पैकेज या डिब्बे उक्त अधिनियम की धारा 6 के खंड (ग) के अन्तर्गत उसके लिये लागू मानक विनियमों के अनुरूप हैं;

और केन्द्रीय सरकार ने उक्त प्रस्तावों को निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) द्वारा अपेक्षित के अनुसार निर्यात निरीक्षण परिषद् को भेज दिया है;

अतः अब उक्त उप-नियम के अनुसरण में केन्द्रीय सरकार उक्त प्रस्तावों को उन सभी लोगों की जानकारी के लिये प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव देने की बांछा करने वाला कोई व्यक्ति उसे इस अधिसूचना के प्रकाशन की तारीख से पैंतालीस दिनों के भीतर निर्यात निरीक्षण परिषद्, 'वर्ल्ड ट्रेड सेंटर', 14/1/बी, एजरा स्ट्रीट (सातवीं मंजिल) कलकत्ता-1 को भेज सकता है।

स्पष्टीकरण:—इस अधिसूचना में, 'फल उत्पाद' से निम्नलिखित में से कोई अभिप्रेत है, अर्थात्:—

1. कृत्रिम पेय सिरप तथा शरबत;
 2. सिरका चाहे तैयार किया गया हो या कृत्रिम;
 3. अचार;
 4. निर्जलित फल तथा सब्जियाँ;
 5. स्क्वैश, क्रश, कार्डियल, जौ का पानी, बैरल रस तथा तुरन्त-प्रयोग योग्य फलों के रसों या फलों के गूदे वाले अन्य पेय;
 6. जैम, जैली तथा मुरब्बे;
 7. दमाटर के उत्पाद, चटनी तथा सॉस;
 8. संरक्षक पदार्थ पैक किये हुए, क्रिस्टल किये हुए फल तथा छिलके
 9. चटनियाँ;
 10. डिब्बे तथा बोतल में बन्ने फल, रस तथा गूदा;
 11. डिब्बे तथा बोतल में बन्ने सब्जियाँ;
 12. प्रशीलित फल तथा सब्जियाँ;
 13. फलों के रस तथा गूदे वाला वातित जल;
 14. फल—अन्य श्लेक्ष;
 15. फल तथा सब्जियों से संबंधित अविनिष्ट कोई अन्य वस्तुएँ;
- [सं० 6(2)/77-नि० नि० तथा नि० उ०]

S.O. 1268.—Whereas the Central Government, in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) proposes to recognise the Certificate issued under the Fruit Products Order, 1955 as a mark or seal in relation to Fruit Products, for the purpose of denoting that, where packages or containers containing such fruit products are accompanied by a certificate issued by the Director (Fruit and Vegetable Preservation), Food and Nutrition Board, Department of Food

Ministry of Agriculture and Irrigation or an officer authorised by him in this behalf to the effect that these products have been prepared, packed and labelled in accordance with the provisions of the said order, such packages or containers conform to a standard specification applicable thereto under clause (c) of section 6 of the said Act;

And whereas the Central Government has forwarded the aforesaid proposal to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposal for information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposal may forward the same within fortyfive days of the date of publication of the notification to the Export Inspection Council, "World Trade Centre", 14/IB, Ezra Street (7th Floor), Calcutta-1.

Explanation.—In this notification, the "Fruit Products" mean any of the following, namely:—

- (1) Synthetic beverages, syrups and sherbats;
- (2) Vinegar, whether brewed or synthetic;
- (3) Pickles;
- (4) Dehydrated fruits and vegetables;
- (5) Squashes, crushes, cordials, barely water, barreled juice and ready-to-serve beverages, fruit nectar or any other beverages containing fruit juices or fruit pulp;
- (6) Jams, Jellies and marmalades;
- (7) Tomato products, ketchup and sauces;
- (8) Preserves, candied and crystallised fruits and peels;
- (9) Chutneys;
- (10) Canned and bottled fruits, juices and pulp;
- (11) Canned and bottled vegetables;
- (12) Frozen fruits and vegetables;
- (13) Aerated waters containing fruit juice and pulp;
- (14) Fruit cereal flakes;
- (15) Any other unspecified items relating to fruits or vegetables.

[No. 6(2)/77-EI&EP]

आदेश

क्रा० आ० 1269.—भारत के निर्यात व्यापार के विकास के लिए डले हुए सोहें से बने नालों को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन लाने के लिए कतिपय प्रस्ताव निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप नियम (2) द्वारा अपेक्षित के अनुसार भारत सरकार के बाणिज्य मंत्रालय के आदेश सं० का०आ० 2238, तारीख 3 जुलाई, 1976 के अन्तर्गत भारत के राजपत्र भाग II खंड 3 उप-खंड (ii) तारीख 3 जुलाई, 1976 में प्रकाशित किये गये थे:—

और उन सभी लोगों से जिनके उनसे प्रभावित होने की संभावना थी आक्षेप तथा सुझाव उक्त आदेश के राजपत्र में प्रकाशन की तारीख से तीस दिनों के भीतर मांगे गये थे;

और उक्त राजपत्र की प्रतियाँ जनता को 3 जुलाई, 1976 तक उपलब्ध करा दी गई थीं;

और उक्त प्रस्तावों पर जनता से प्राप्त आक्षेपों तथा सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है;

अतः, अब, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, निर्यात निरीक्षण परिचालन परामर्श करने के पश्चात् केन्द्रीय सरकार की यह राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है, एतद्वारा—

- (1) अधिसूचित करती है कि ठेके हुए लोहे से बने मान निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे,
- (2) ठेके हुए लोहे से बने नालों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1976 के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करती है जो कि निर्यात से पूर्व ऐसे ठेके हुए लोहे से बने नालों पर लागू होगा ;
- (3) (क) उन विनिर्देशों को मान्यता देती है जो कि निर्यातकर्ता द्वारा सांविधिक विनिर्देशों के रूप में घोषित किये गये हैं ;
- (ख) स्तम्भ (क) में निश्चित विनिर्देशों की अनुपस्थिति में,—
 - (i) उन विनिर्देशों को जो कि भारतीय या अन्य राष्ट्रीय मानक हों ।
 - (ii) अन्तर्राष्ट्रीय मानक संस्था द्वारा जारी किये गये विनिर्देशों को, ठेके हुए लोहे से बने नालों के लिए मानक विनिर्देशों के रूप में मान्यता देती है परन्तु यह तब जब स्तम्भ (क) की दशा में किसी भी विशिष्टताओं के सांविधिक विनिर्देशों में किसी विशिष्ट अनुबन्ध की अनुपस्थिति में, सुसंगत भारतीय मानक विनिर्देश या अन्य राष्ट्रीय मानक विनिर्देश या अन्तर्राष्ट्रीय मानक संस्था विनिर्देश में दिये गये उपबन्ध लागू किये जायेंगे ;
- (4) अन्तर्राष्ट्रीय व्यापार के दौरान, ऐसे ठेके हुए लोहे से बने नालों के निर्यात को तब तक प्रतिषिद्ध करती है जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अन्तर्गत स्थापित अभिकरणों में से किसी एक द्वारा दिया गया इस प्राण्य का प्रमाण-पत्र न हो कि ठेके हुए लोहे से बने नालों का परेक्षण क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों को पूरा करता है तथा निर्यात योग्य है ।

2. इस आदेश की कोई भी बात भारी क्रेताओं को ठेके हुए लोहे से बने नालों के नमूनों के भू, वायु या समुद्र मार्ग द्वारा निर्यात पर लागू नहीं होगी ।

3. इस आदेश में ठेके हुए लोहे से बने नाले से जल, गैस, मल-प्रवाह तथा इसी प्रकार के प्रयोजन के लिए राज मुख्य लाइनों के लिए अपकेन्द्री विधि से ठेके (बने) लोहे के नाले अभिप्रेत हैं ।

4. यह आदेश राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा ।

[सं० 6(12)/73-नि०नि० तथा नि० उ०)]

S.O. 1269.—Whereas for the development of export trade of India certain proposals for subjecting Cast Iron Spun Pipes to quality control and inspection prior to export were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 3rd July, 1976, under the Order of the Government of India in the Ministry of Commerce No. S.O. 2238, dated the 3rd July, 1976;

And whereas objections and suggestions were invited within thirty days from the date of publication of the said Order in the Official Gazette, from all persons likely to be affected thereby;

And whereas the said Gazette was made available to the public on the 3rd July, 1976 ;

And whereas the objections and suggestions received from the public on the said proposals have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, being of opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby—

- (1) notifies that Cast Iron Spun Pipes shall be subject to quality control and inspection prior to export ;
- (2) specifies the type of quality control and inspection in accordance with the Export of Cast Iron Spun Pipes (Quality Control and Inspection) Rules, 1977 as the type of quality control and inspection which would be applied to such Cast Iron Spun Pipes prior to export;
- (3) recognises—
 - (a) the specifications declared by the exporter as the contractual specifications;
 - (b) in the absence of the specification referred to in clause (2),—
 - (i) The specifications which shall be Indian or other National Standards;
 - (ii) the specifications issued by International Standards Organisation;

As the standard specifications for Cast Iron Spun Pipes provided that in the case of clause (a) in the absence of any specific stipulation in the contractual Specification of any characteristics, the same as given in relevant India Standards specification or any other National standard specification or ISO Specification would become applicable.

- (4) prohibits the export, in the course of international trade, of such Cast Iron Spun Pipes unless the same accompanied by a certificate issued by any of the Export agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of Cast Iron Spun Pipes satisfies the conditions relating to quality control and inspection and is export-worthy.

2. Nothing in this Order shall apply to the export by land, sea or air of samples of Cast Iron Spun Pipes to prospective buyers

3. In this Order "Cast Iron Spun Pipes" shall mean Centrifugally Cast (Spun) iron pipes for pressure main lines for water, gas, sewage and the like purposes.

4. This Order shall come into force on the date of its publication in the official Gazette.

[No. 6(12)/73-EI&EP]

क्रा० आ० 1270.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार निम्नलिखित नियम बनाती है, अर्थात् :—

1 संक्षिप्त नाम तथा प्रारम्भ:—(1) इन नियमों का नाम ठेके हुए लोहे से बने नालों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1977 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. परिभाषाएँ—इन नियमों में, जब तक कि शब्दों प्रयोग विशेषता में हो—

- (क) 'अधिनियम' से नियमित (स्वातंत्र्य) नियंत्रण और (निरीक्षण) अधिनियम, 1961 (1963 का 22) अभिप्रेत है।
- (ख) 'अधिकरण' से अधिनियम की धारा 7 के अधीन कोषित भंडार, कलकत्ता, मुंबई तथा दिल्ली में स्थापित अधिकरणों से से कोई एक अभिप्रेत है।
- (ग) 'छले हुए लोहे' से बने ताल में जल, गैस, मूल-प्रवाह और इसी प्रकार के प्रयोजन के लिए दाब मुख्य लाइन के लिए अपकेन्द्री विधि से छले (बने) लोहे के ताल अभिप्रेत है।

3. क्वालिटी नियंत्रण—(1) छले हुए लोहे से बने तालों की क्वालिटी इसमें उपाखण्ड गारण्टी में विनिर्दिष्ट नियंत्रण के स्तरों सहित विनिर्माण की विभिन्न अवस्थाओं में निम्नलिखित नियंत्रण लागू करके सुनिश्चित की जायेगी।

(i) कच्चे की गई सामग्री का नियंत्रण

संबद्ध विनिर्माता द्वारा विभिन्न विशेषताओं की जांच करने के लिए एक उपयुक्त नमूना योजना अधिकाधिक की जायेगी तथा उसके लिए अभिलेख रखे जायेगे।

(ii) प्रक्रिया नियंत्रण

- (क) विनिर्माण की विभिन्न प्रक्रियाओं के लिए संबंधित विनिर्माता द्वारा विस्तृत प्रक्रिया विनिर्देश किये जायेगे।
- (ख) प्रक्रिया विनिर्देशों में अधिकतम प्रक्रियाओं का नियंत्रण करने के लिए उपकरणों या उपकरणों की सुविधाएँ पर्याप्त होंगी।
- (ग) प्रक्रिया के दौरान लागू किए गए नियंत्रणों का मूल्यांकन करने के लिए संबंधित विनिर्माता द्वारा पर्याप्त अभिलेख रखे जायेगे।

(iii) उत्पाद नियंत्रण

- (क) अधिनियम की धारा 6 के अधीन मान्य विनिर्देशों के अनुसार उत्पाद की परख करने के लिए संबंधित विनिर्माता के पास पर्याप्त परख सुविधाएँ होंगी।
- (ख) संबंधित विनिर्माता द्वारा की गई परखों के संबंध में, नियमित रूप से तथा व्यवस्थित रूप से पर्याप्त अभिलेख रखे जायेगे।

(iv) परीक्षण नियंत्रण

- (क) संबंधित विनिर्माता मानक विनिर्देश के अनुसार उपकरणों, यदि कोई हो, का पालन करेगा।
- (ख) यदि मानक विनिर्देशों में कुछ भी नहीं दिया गया हो, तो उत्पाद का भंडारीकरण तथा अभिवहन के दौरान मौसम के प्रतिकूल प्रभावों से अतीति परिरक्षित किया जायेगा।

(v) पैकिंग नियंत्रण

- (क) पैकिंग केतों के अनुबन्ध के अनुसार या सामान्य व्यापार प्रथा के अनुसार होंगी।
- (ख) तालों के गिप्साट गिरे अभिवहन के दौरान टूट-फट से उपयुक्ततम सुरक्षित किये जायेगे।

(2) निर्यात के लिए आणवित छले हुए लोहे से बने तालों का निरीक्षण यह देखने के विचार में किया जायेगा कि निरीक्षण के लिए प्रस्तुत किया गया छले हुए लोहे से बने तालों का परेक्षण अधिनियम की धारा 6 के अधीन मान्य विनिर्देशों के अनुरूप है।

4. निरीक्षण—जहाँ पर लोहे से बने तालों के परेक्षण का नियंत्रण करने का दायित्व निर्यातकर्ता अधिकरण का अधिकार है मसूचना देगा तथा ऐसी सूचना के साथ एक घोषणा भी देगा कि निर्यात के लिए आणवित छले लोहे से बने तालों के परेक्षण का विनिर्माण नियम 3 में अधिकतम क्वालिटी नियंत्रणों का प्रयोग करके किया गया है तथा परेक्षण इसके लिए मान्य विनिर्देशों की आवश्यकता के अनुरूप है। इसके साथ-साथ निर्यातकर्ता ऐसी सूचना की एक प्रति परिषद् के निर्माणस्थल कार्यालयों में से किसी एक का देगा जो कि निरीक्षण के स्थान के पास है, अर्थात्,—

मध्य कार्यालय	निर्यात निरीक्षण परिषद्, 'ब्लैक ट्रेड सेंटर', 14/1-बी, एजरा स्ट्रीट (प्राइवी मजिल) कलकत्ता-700001
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श्रेणीय कार्यालय

1. निर्यात निरीक्षण परिषद्, अमृत चैम्बर्स, (प्राइवी मजिल), 113, महवि कर्व रोड, मुम्बई-400004
2. निर्यात निरीक्षण परिषद्, मजिस्ट्रेट बिल्डिंग, मजिस्ट्रेट गांधी रोड, एनिकुलम, कोचीन-111
3. निर्यात निरीक्षण परिषद्, 6-पी सैक्टर, 16ए, मयरा रोड, फरीदाबाद।

(2) निर्यातकर्ता परेक्षण पर खरीदपट्टा बिन्दु भी अधिकरण को देगा।

(3) उप-नियम (1) के अन्तर्गत परेक्षण सूचना तथा घोषणा विनिर्माता के परिषद से परेक्षण के सेजे जात के कम से कम दस दिन पहले अधिकरण तथा परिषद् के कार्यालय में पहुँचेगी।

(4) उप-नियम (1) के अन्तर्गत परेक्षण सूचना तथा घोषणा प्राप्त होने पर, अधिकरण—

(क) निर्यातकर्ता के मामले में जो कि स्वयं विनिर्माता है उसका यह समाधान हो जाने पर कि विनिर्माण की प्रक्रिया के दौरान उसने इस पर लागू मानक विनिर्देशों के अनुसार उत्पाद का विनिर्माण करने के लिए इस संबंध में परिषद् द्वारा जारी किए गए निर्देशों, यदि कोई हो, तथा नियम 3 के अन्तर्गत दिए गए पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है तो वह तीन दिनों के भीतर यह घोषणा करने हुए प्रमाण-पत्र दे देगा कि छले हुए लोहे से बने तालों का परेक्षण नियमित-योग्य है।

(ख) निर्यातकर्ता के मामले में जो कि स्वयं विनिर्माता नहीं है उसका यह समाधान हो जाने पर कि उसने इस पर लागू मानक विनिर्देशों के अनुसार उत्पाद का विनिर्माण करने के लिए इस संबंध में परिषद् द्वारा जारी किए गए निर्देशों, यदि कोई हो तथा नियम 3 के अन्तर्गत दिए गए पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है तो वह तीन दिनों के भीतर यह घोषणा करते हुए प्रमाण-पत्र दे देगा कि छले हुए लोहे से बने तालों का परेक्षण नियमित-योग्य है।

परन्तु जहाँ अधिकरण का इस प्रकार का समाधान नहीं हुआ है वहाँ वह उस तीन दिनों की अवधि के भीतर ऐसा प्रमाण-पत्र देने में इंकार कर देगा तथा ऐन इंकार की सूचना इसके लिये कारणों सहित निर्यातकर्ता को देगा।

5 मान्य चिन्ह का विपकाना तथा उसकी प्रक्रिया - भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) अधिनियम, 1952 (1952 का 36) भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) विनियम 1955 तथा भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) विनियम, 1955 के प्रावधान नियमों में पूर्व सांख्यिक विनिर्देशों के अनुसार सुसंगत भारतीय मानक विनिर्देशों के लिए विनिर्दिष्ट तथा नियमित किए गए ठोसे हुए चोढ़े में बने नालों पर मान्य चिन्ह या सील के विपकाने की प्रक्रिया पर लागू होंगे और इस प्रकार से लिखित ठोसे हुए चोढ़े में बने नाल नियम 4 के अन्तर्गत किसी भी निरीक्षण के अधीन नहीं होंगे।

6. निरीक्षण का स्थान - इन नियमों के अधीन निरीक्षण केवल विनिर्माणा के परिसर पर ही किया जायगा।

7. निरीक्षण फीस - एक सौ रुपये की न्यूनतम राशि की सीमा में रहने हुए गोम पर्वत निशुल्क मूल्य के प्रत्येक सौ रुपये पर बीस पैसे

की दर से निरीक्षण फीस दी जायगी। यह फीस कम से कम सौ रुपये होगी।

9. अर्पाट - (1) नियम 4 के उप-नियम (4) के अधीन प्रमाणपत्र देने से इंकार से व्यक्ति कोई व्यक्ति द्वारा ऐसे इंकार की संसूचना प्राप्त होने के दस दिन के भीतर, उसके लिए केंद्रीय सरकार द्वारा नियुक्त सीन से अनुमूत तथा मात से अनधिक व्यक्तियों के विशेषज्ञों के पैतल को अर्पीत कर सकेगा।

(2) ऐसे पैतल की कुल सदस्य संख्या के कम से कम दो तिहाई सदस्य गैर-सरकारी होंगे।

(3) पैतल की गणपूर्ति सीन की होगी।

(1) अर्पीत का निपटारा उसके प्राप्त होने के 15 दिनों के भीतर कर दिया जाएगा।

सारणी
[नियम 3(1) देखें]

क्रम सं०	अपेक्षाएं	सदस्य	परख के लिए नमूनों की संख्या	लाट आकार	टिप्पणी
1	2	3	4	5	6
1	आक्षुप (काटिंग सहित)	इस प्रयोजन के लिए मान्य मानक विनिर्देश	प्रत्येक नाल		
2	विमाण				
	(क) मोटाई	-यथोक्त-	-यथोक्त-		
	(ख) अन्य विमाण	-यथोक्त-	1	चार घटों के उत्पादन में एक बार	
3	सीधापन	यथोक्त-	प्रत्येक नाल		
4	भार	-यथोक्त-	-यथोक्त-		
5	प्रत्यक्षेतिक वक्राव परख	-यथोक्त-	-यथोक्त-		
6	धन परख	-यथोक्त-	-यथोक्त-		
7	टनक परख	-यथोक्त-			4 घटों का उत्पादन (उष्म प्रसक्तता की दशा में उच्चार के पश्चात् प्रत्येक 2 और नमूनों की भट्टी के लिए) परख की जाएगी। इन दो अनुरिक्त नमूनों में से कोई भी अस्थी-कुल हो जाना है तो लाट अस्थीकृत कर दिया जाएगा।
8	कठोरता परख	इस प्रयोजन के लिए मान्य मानक विनिर्देश	1	4 घटों का उत्पादन (उष्म उन्नत के पश्चात्)	जब नाल का कठोरता अक विनिर्दिष्ट मान में अधिक हो जाए तो 4 घटों के सारे उत्पादन का सामाप्तीकरण किया जाना चाहिए तथा पुन परखा जाना चाहिए, यदि मान विनिर्दिष्ट मान में नीचे का पाया जाता है तो लाट स्वीकृत किया जा सकता है।
9	काटिंग परख	-यथोक्त	1	टैक का प्रत्येक भरना या पुन. भरना।	

S.O. 1270.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Export of Cast Iron Spun Pipes (Quality Control and Inspection) Rules, 1977.

(2) They shall come into force on the date of their publication in the official Gazette.

(2) Definition.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (b) "agency" means any of the agencies established at Cochin, Madras, Calcutta, Bombay, and Delhi under section 7 of the Act;
- (c) "Cast Iron Spun Pipes" means centrifugally Cast (Spun) iron pipes for pressure main lines for water, gas, sewage and the like purposes.

3. Quality control.—(1) The quality of the Cast Iron Spun Pipes shall be ensured by effecting the following controls at different stages of manufacture together with the levels of control specified in the Table annexed hereto.

(i) Bought out materials control :

A suitable sampling scheme shall be laid down to check various characteristics and records thereof maintained by the manufacturer concerned.

(ii) Process control :

- (a) Detailed process specifications shall be laid down by the manufacturer concerned for different processes of manufacture;
- (b) Equipment or instrumentation facilities shall be adequate to control the processes as laid down in the process specifications;
- (c) Adequate records shall be maintained to verify the controls exercise during the process by the manufacturer concerned.

(iii) Product control :

- (a) The manufacturer concerned shall have adequate testing facilities to test the product as per the specifications recognised under section 6 of the Act.
- (b) Adequate records in respect of tests carried out shall be regularly and systematically maintained by the manufacturer concerned.

(iv) Preservation control :

- (a) The manufacturer concerned shall comply with the relevant provisions, if any, of the standard specifications;
- (b) If nothing is provided for in the standard specifications, the products shall be well preserved against adverse effects of weather conditions during storage and transit.

(v) Packing control :

- (a) Packing shall be in line with buyer's stipulation or as per normal trade practice.
- (b) The spigot ends shall be suitably protected against damage during transit.

(2) The inspection of Cast Iron Spun Pipes intended for export shall be carried out with a view to seeing that the consignment of Cast Iron Spun Pipes offered for inspection conforms to the specifications recognised under section 6 of the Act.

4. Inspection.—An exporter intending to export Cast Iron Spun Pipes shall give intimation in writing to the agency and

submit along with such intimation a declaration that the consignment of Cast Iron Spun Pipes intended for export has been manufactured by exercising quality controls laid down in rule 3, and that the consignment conforms to the requirements of the specification recognised for this purpose and the exporter shall at the same time endorse a copy of such intimation to any of the following offices of the Council, which is nearest to the place of inspection, namely :—

Head Office :

Export Inspection Council
"World Trade Centre"
14/1B, Ezra Street, 7th Floor,
Calcutta-700001.

Regional Offices

1. Export Inspection Council
Aman Chambers 4th floor,
113, M. Karve Road,
Bombay-400004.
2. Export Inspection Council,
Manohar Buildings,
Mahatma Gandhi Road,
Ernakulam, Cochin-11
3. Export Inspection Council
6P Sector 16-A, Mathura Road,
Faridabad.

(2) The exporter shall also furnish to the agency the identification marks applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the Agency and the Council not less than ten days prior to the despatch of the consignment from the premises of the manufacturer.

(4) On receipt of the intimation and declaration referred to in sub-rule (1), the agency;—

(a) in the case of an exporter who is himself the manufacturer on satisfying itself that during the process of manufacturing he had exercised adequate quality control as provided under rule 3 and the instructions, if any, issued by the Council in this regard to manufacture the product according to the standard specification applicable to it shall within three days issue a certificate declaring the consignment of Cast Iron Spun Pipes as export worthy;

(b) in the case of an exporter who is not himself the manufacturer, on satisfying itself that during the process of manufacture the manufacturer had exercised adequate quality control as provided under rule 3 and the instructions, if any, issued by the Council in this regard to manufacture the product according to the standard specifications applicable to it, shall within three days of carrying out the inspection, issue a certificate declaring the consignment of Cast Iron Spun Pipes as export-worthy :

Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

5. Affixation of recognised mark and procedure thereof. The provision of the Indian Standard Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955, and the Indian Standards Institution (Certification Marks) Regulations, 1955 shall apply in relation to the procedure of affixation of the recognised mark or seal on cast Iron Spun Pipes manufactured and exported against the relevant Indian Standard Specifications as per the contractual specifications, prior to export and Cast Iron Spun Pipes so marked shall not be subjected to any inspection under rule 4.

6. Place of inspection.—Inspection under these rules shall be carried out at the premises of the manufacturer only.

7. Inspection fee.—(1) A fee at the rate of twenty paise for every hundred rupees of f.o.b. value subject to a minimum of Rupees one hundred shall be paid as inspection fee by the exporter to the agency.

8. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4

may within ten days of receipt of communication of such refusal by him, prefer an appeal to the panel experts consisting of not less than three but not more than seven (such experts) as may be appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the panel shall consist of non-officials.

(3) The quorum of the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

TABLE
[See rule 3(1)]

Sl. No.	Requirement	Reference	No. of samples to be tested	Lot size	Remarks
1	2	3	4	5	6
1.	Visual (including coating)	Standard specification recognised for the purpose	Each and Every pipe		—
2.	Dimensions				
	(a) Thickness	Do.	Do.		
	(b) Other dimensions	Do.	1	Once in four hours production	—
3.	Straightness	Do.	Each and every pipe		—
4.	Weight	Do.	Do.		—
5.	Hydrostatic test	Do.	Do.		—
6.	Hammer test	Do.	Do.		—
7.	Ring test	Do.	1	Production of 4 hours (for each furnace after heat treatment.)	In case of failure 2 more samples shall be tested. Should either of these additions pieces fail, the lot shall be rejected.
8.	Hardness test	Standard specification recognised for the purpose		1 Production of four hours (after heat treatment).	When the hardness number of the pipe exceeds the specified value/lot of four hours production should be normalised and tested again. If the value is found below the specified value the lot may then be, accepted.
9.	Coating test	Do.	1	Each filling or refilling of tank.	

[No. 6(12)/73-EI & EP]

आदेश

क्र० आ० 1271.—केन्द्रीय सरकार की यह राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है कि ब्रिटिश इलेक्ट्रोड निर्यात में पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन हो ;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिये नीचे विनिर्दिष्ट प्रस्तावों को बनाया है और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 2 के उपनियम (१) द्वारा अपेक्षित के अनुसार निर्यात निरीक्षण परिषद को भेज दिया है ,

अतः अश्व. उक्त उप-नियम के अनुसरण में केन्द्रीय सरकार उन्हें उन सभी लोगों की जानकारी के लिए, जिनसे उनके प्रभावित होने की सम्भावना है, प्रकाशित करती है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव देने की वाछा करने वाला कोई व्यक्ति उसे डग आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिनों के भीतर 'बुल्ड ड्रेड मैटर' 14/1-बी, एजरा स्ट्रीट (आठवां मंजिल) कलकत्ता-1 का भेज सकता है।

प्रस्ताव

(1) अधिसूचित करना कि ब्रिटिश इलेक्ट्रोड निर्यात में पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे।

(2) डग आदेश के उपाबंध-1 में दिए गए ब्रिटिश इलेक्ट्रोड निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1977 के प्राव्य के अनुसार

निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करना जो कि निर्यात में पूर्व ऐसे इलेक्ट्रॉन पर लागू होगा,

(3) (क) निर्यातकर्ता और विदेशी क्रेता के मध्य निर्यात सविदा में दिए गए के अनुसार विनिर्देशों को मान्यता देना :

(ख) स्वयं (क) में निर्दिष्ट न होने की दशा में वैल्टिग इलेक्ट्रॉन के लिये भारतीय मानक संस्थान या विदेश के राष्ट्रीय मानकों द्वारा जारी किए गए विनिर्देशों को मानक विनिर्देशों के रूप में मान्यता देना;

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसे वैल्टिग इलेक्ट्रॉनों के निर्यात का तब तक प्रतिषिद्ध करना जब तक कि उनके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अन्तर्गत केन्द्रीय सरकार द्वारा स्थापित अभिकरणों में से किसी एक द्वारा दिया गया इस आशय का प्रमाण-पत्र न हो कि वैल्टिग इलेक्ट्रॉन क्वालिटी नियंत्रण और निरीक्षण से संबंधित बातों को पूरा करने हैं तथा निर्यात योग्य है।

3. इस आदेश की कोई भी बात प्रभावी क्रेताओं की वैल्टिग इलेक्ट्रॉन के नमूनों के धू, ब्रास तथा समुद्र मार्ग द्वारा निर्यात पर लागू नहीं होगी।

4. इस आदेश में 'वैल्टिग इलेक्ट्रॉन' से धातु की बनी अनावृत या कोट की हुई छड़ी (रोड) या धातु की ट्यूब अभिप्रेत है जिसमें प्लक्स भरा हो, और जो संगलन द्वारा धातु के भागों की वैल्टिग की प्रक्रिया में प्रयुक्त होती है, जिसमें संगलन के लिए आवश्यक उष्मा दो इलेक्ट्रॉनों के मध्य या इलेक्ट्रॉन और धातु के मध्य जुड़े हुए विद्युत चाप (आर्क) द्वारा उत्पन्न की जाती है। इसमें गैस की वैल्टिग के लिए प्रयुक्त इलेक्ट्रॉन भी आते हैं।

उपाध-1

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 को धारा 17 के अन्तर्गत बनाए जाने के लिए प्रस्तावित नियमों का प्राक्क।

1. संक्षिप्त नाम तथा प्रारम्भ—(1) इस नियमों का नाम वैल्टिग इलेक्ट्रॉन निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1977 है।

(2) ये को प्रवृत्त होंगे।

2. इन नियमों में अब तक कि सदर्थ से, अन्यथा अपेक्षित न हो—

(क) 'अधिनियम' से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ख) 'अभिकरण' से अधिनियम की धारा 7 के अन्तर्गत कोचीन, मद्रास, कलकत्ता, मुम्बई और दिल्ली में स्थापित अभिकरणों में से कोई एक अभिप्रेत है;

(ग) 'वैल्टिग इलेक्ट्रॉन' से धातु की बनी अनावृत या कोट की हुई छड़ी (रोड) या धातु की ट्यूब अभिप्रेत है जिसमें प्लक्स भरा हो और जो संगलन द्वारा धातु के भागों की वैल्टिग की प्रक्रिया में प्रयुक्त होती है जिसमें संगलन के लिए आवश्यक उष्मा दो इलेक्ट्रॉनों के मध्य या इलेक्ट्रॉन और धातु के मध्य जुड़े हुए विद्युत चाप (आर्क) द्वारा उत्पन्न की जाती है। इसमें गैस की वैल्टिग के लिये प्रयुक्त इलेक्ट्रॉन भी आते हैं।

3. क्वालिटी नियंत्रण—(1) निर्यात के लिए आशयित वैल्टिग इलेक्ट्रॉनों की क्वालिटी इससे उपबंधित अनुसूची में दी गई नियंत्रण की परख के साथ निरीक्षण के विभिन्न स्तरों पर निम्नलिखित निरीक्षणों का प्रयोग करके सुनिश्चित की जाएगी।

(i) खरीदी गई सामग्री तथा घटक नियंत्रण

(क) प्रयोग किए जाने वाले घटकों या सामग्री की विशेषताओं को समाविष्ट करने हुए विनिर्माता द्वारा कथित विनिर्देश अधिकृत किए जाएंगे तथा उसके पास आने वाले लोडों की अनुरूपता सुनिश्चित करने के लिए निरीक्षण या परीक्षण के पर्याप्त साधन होंगे।

(ख) स्वीकृत परेयणों के साथ या तो कथित विनिर्देशों की अपेक्षाओं की पुष्टि करने हुए, प्रदाय-कर्ता का परख या निरीक्षण प्रमाण-पत्र होगा, जिस दशा में क्रेता द्वारा विशिष्ट प्रदाय-कर्ता के लिए उक्त परख या निरीक्षण प्रमाण-पत्रों को शुद्धता को सत्यापित करने के लिए कालिक जांच (अर्थात् वर्ष में दूर तीन मास में एक बार उसी मात्र के उसी प्रदाय-कर्ता के लिए) की जाएगी या खरीदी गई सामग्री या घटकों का कारखाने के भीतर प्रयोगशाला में या किसी अन्य प्रयोगशाला या परीक्षण गृह में नियमित रूप से परीक्षण या निरीक्षण किया जाएगा।

(ग) किए जाने वाले परीक्षण या निरीक्षण के लिए नमूना लेना लेखबद्ध अन्वेषण पर आधारित होगा।

(घ) निरीक्षण या परीक्षण किए जाने के पश्चात्, स्वीकृत तथा अस्वीकृत माल को पृथक करने के लिए तथा अस्वीकृत माल के निपटारे के लिए व्यवस्थित पद्धतियाँ अपनाई जाएंगी।

(ङ) विनिर्माता द्वारा ऊपर निर्दिष्ट नियंत्रणों के संबन्ध में पर्याप्त अभिलेख नियमित व व्यवस्थित रूप से रखे जाएंगे।

(ii) प्रक्रिया नियंत्रण

(क) विनिर्माता द्वारा विनिर्माण की विभिन्न प्रक्रियाओं के लिए औपचारिक प्रक्रिया विनिर्देश अधिकृत किए जाएंगे।

(ख) प्रक्रिया विनिर्देश में अधिकृत प्रक्रिया को नियंत्रित करने के लिए उपकरण, उपकरण एवं मापनों की पर्याप्त सुविधाएं होंगी।

(ग) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रणों के सत्यापन की संभाव्यता सुनिश्चित करने के लिए विनिर्माता द्वारा पर्याप्त अभिलेख रखे जाएंगे।

(iii) उत्पाद नियंत्रण

(क) यह जांच पड़ताल करने के लिए कि उत्पाद अधिनियम की धारा 6 के अन्तर्गत मान्य विनिर्देशों के अनुसार है, विनिर्माता के पास परीक्षण करने के लिए या तो स्वयं की परख सुविधाएं होंगी या उसकी पड़ोस वहाँ तक होगी जहाँ ऐसी सुविधाएं विद्यमान हो।

(ख) परीक्षण के लिए नमूना लेखा (जहाँ कहीं अपेक्षित हों) लेखबद्ध अन्वेषण पर आधारित होगा।

(ग) किए गए परीक्षणों के संबन्ध में विनिर्माता द्वारा पर्याप्त अभिलेख नियमित तथा व्यवस्थित रूप से रखे जाएंगे।

(iv) परिरक्षण नियंत्रण

(क) विनिर्माता द्वारा उत्पाद को सीमसी दशाओं के प्रतिकूल प्रभावों से सुरक्षित करने के लिए औपचारिक विनिर्देश अधिकृत किए जाएंगे।

(ख) भण्डारण एवं परिवहन, दोनों के दौरान उचित श्रवणों लक्ष्य से सुरक्षित रखा जाएगा।

(v) मौलम सबन्धी नियन्त्रण

उत्पाद तथा निरीक्षण में प्रयुक्त मापको और उपकरणों की कालिक जांच या अण-शोधन किया जाएगा और विनिर्माता द्वारा त्रुटिहार्ज के रूप में अभिलेख रखे जाएंगे।

(vi) पैकिंग नियन्त्रण

विनिर्माता निर्यात किए जाने वाले पैकेजों के उपरेखार पैकिंग विनिर्देश बनाएगा तथा उसका पूर्णतया पालन करेगा।

(2) निरीक्षण नियति के लिए आशयित वैलिडग इलेक्ट्रोडों का निरीक्षण इस दृष्टि से किया जाएगा कि ऊपर निश्चित नियंत्रणों का सुसंगत स्तरों पर प्रयोग किया गया और 'वैलिडग इलेक्ट्रोड' उन पर लागू मानक विनिर्देशों के अनुरूप है।

4 निरीक्षण की प्रक्रिया—(1) निर्यात-कर्ता किसी भी अधिकरण को लिखित रूप में सूचना देगा तथा ऐसी सूचना के साथ यह घोषणा पत्र भी देगा कि वैलिडग इलेक्ट्रोड का परेक्षण नियम 3 में निश्चित नियंत्रणों के अनुसार क्वालिटी नियंत्रण परिभाषों का प्रयोग करके विनिर्मित किया गया है या किया जा रहा है और परेक्षण इस प्रयोजन के लिए मान्य विनिर्देशों की अपेक्षाओं के अनुरूप है। निर्यात-कर्ता उसी समय ऐसी सूचना की एक प्रति परिषद् के निकटतम कार्यालय को देगा। परिषद् के पते निम्न है मुख्य कार्यालय

निर्यात निरीक्षण परिषद्

14/1-बी, एजरा स्ट्रीट (आठवीं मंजिल)

कायकला-1

क्षेत्रीय कार्यालय

(1) निर्यात निरीक्षण परिषद्,
क्षेत्रीय कार्यालय
अमन बैम्बर्स (पांचवीं मंजिल)
113, सहर्षि कर्वे रोड,
बम्बई-4

(ii) निर्यात निरीक्षण परिषद्,
क्षेत्रीय कार्यालय,
"मनोहर बिल्डिंग"
महात्मा गांधी रोड,
एनकुलम,
काचीन-11

(iii) निर्यात निरीक्षण परिषद्,
क्षेत्रीय कार्यालय - फरीदाबाद
670 सेक्टर 16ए,
मथुरा रोड,
फरीदाबाद।

(2) निर्यात-कर्ता अधिकरण को परेक्षण पर लगाया जाने वाला पहचान चिह्न भी देगा।

(3) उप-नियम (1) के अन्तर्गत प्रत्येक सूचना तथा घोषणा निर्यात-कर्ता के परिसर से परेक्षण के भेजे जाने से कम से कम सात दिनों आधिकरण के कार्यालय में पहुँच जाएगी।

(4) उप-नियम (1) तथा (2) के अन्तर्गत सूचना तथा घोषणा प्राप्त होने पर, अधिकरण।

(5) ऐसे निर्यात-कर्ता को दशा में जो स्वयं विनिर्माता है, अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान उभने, उत्पाद पर लागू मानक विनिर्देशों के अनुसार उत्पाद का विनिर्माण करने के लिए, नियम 3 के अन्तर्गत दिए गए पर्याप्त क्वालिटी नियंत्रणों, तथा इस सबन्ध में परिषद् द्वारा जारी किए गए निर्देशों, यदि कोई हो, का प्रयोग किया है।

(6) ऐसे निर्यात-कर्ता को दशा में जो स्वयं विनिर्माता नहीं है, अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान उभने, उत्पाद पर लागू मानक विनिर्देशों के अनुसार उत्पाद का विनिर्माण करने के लिए नियम 3 के अन्तर्गत दिए गए पर्याप्त क्वालिटी नियंत्रणों, तथा इस सबन्ध में परिषद् द्वारा जारी किए गए निर्देशों, यदि कोई हो, का प्रयोग किया है।

निरीक्षण करने के तीन दिनों के भीतर यह धारणा करने हुए प्रमाण-पत्र देगा कि वैलिडग इलेक्ट्रोडों का परेक्षण निर्यात योग्य है।

परन्तु जहाँ अधिकरण का यह समाधान नहीं होता वहाँ यह उक्त तीन दिनों की अवधि के भीतर ऐसा प्रमाण-पत्र देने से इकार कर देगा तथा ऐसे इकार की सूचना उसके लिए कारणों सहित निर्यात-कर्ता को देगा।

5 मान्य चिह्न का चिपकाना तथा उसकी प्रक्रिया—भारतीय मानक सम्मान (प्रमाणीकरण) चिह्न अधिनियम, 1952 (1952 का 36), भारतीय मानक सम्मान (प्रमाणीकरण चिह्न) नियम, 1955 तथा भारतीय मानक सम्मान (प्रमाणीकरण चिह्न) विनियम, 1955 के उपबन्ध वैलिडग इलेक्ट्रोड पर निर्यात से पूर्व सील या मान्य चिह्न के चिपकाने की प्रक्रिया के सबन्ध में जहाँ तक हों लागू होंगे तथा इस प्रकार चिह्नित "वैलिडग इलेक्ट्रोड" नियम 4 के अन्तर्गत किसी भी निरीक्षण के अधीन नहीं होंगे।

6 निरीक्षण का स्थान इन नियमों के अन्तर्गत प्रत्येक निरीक्षण पौन लक्षण के बन्दरगाह पर या विनिर्माता या निर्यात-कर्ता के परिसर पर किया जाएगा।

7 निरीक्षण फीस—नियम 4 के अन्तर्गत प्रत्येक ऐसे परेक्षण के लिए पौन पर्यन्त निशुल्क मूल्य के प्रत्येक सौ रुपए पर 50 पैसे की दर से निरीक्षण फीस में निर्यात-कर्ता द्वारा अधिकरण का दी जाएगी। यह फीस कम से कम सौ रुपए होगी।

8 अपील—(1) नियम 4 के उप-नियम (4) के अन्तर्गत प्रमाण-पत्र देने के इकार से व्यक्ति कोई व्यक्ति उसके द्वारा ऐसे इकार की सूचना प्राप्त होने के दस दिनों के भीतर, इसके लिए केन्द्रीय सरकार द्वारा नियुक्त कम से कम तीन और अधिक से अधिक मान्य व्यक्तियों के पैनल को अपील कर सकता है।

(2) पैनल विशेषज्ञों की कुल सदस्यता के कम से कम दो-तिहाई गैर-सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन की होगी।

(4) अपील प्राप्त होने के 15 दिनों के भीतर निपटा दी जाएगी।

अनुसूची
[नियम 3 का उप-नियम (1) देखिए]
नियंत्रण की परख

क्रम सं०	परख/निरीक्षण की विशेषताएं	अपेक्षाएं	परख किए जाने वाले नमूनों की संख्या	लाट आकार	टिप्पणी
1	2	3	4	5	6
1. सामग्री					
(i) कोर तार	मानक विनिर्देशों के अनुसार	(क) कुण्डलियों की पर्येक उष्मा तथा ठंडान	पर्येक पर्येक		
(क) रसायनिक विश्लेषण					
(ख) भौतिक विशेषताएं		(ख) अभिलेखित अन्वेषण के आधार पर	—यथोक्त—		
(ii) तूरा	—यथोक्त—	अभिलेखित अन्वेषण के अनुसार पर्येक पर्येक	—यथोक्त—		
(3) मिश्रित तूरा	—यथोक्त—	तूरे का पर्येक वेब	—यथोक्त—		
2. इलेक्ट्रोड के लिए दैनिक परख					
(i) सज्जना सज्जित विभाग	—यथोक्त—	(क) प्रत्येक			
(क) शक्ति					
(ख) अन्य		(ख) अभिलेखित अन्वेषण के अनुसार			
(ii) कार्य कौशल, फिनिश, चक्षुष्य दोष	—यथोक्त—	—यथोक्त—			
(iii) सुखाने से पूर्व सकेन्द्रित परख	—यथोक्त—	6 टुकड़े			15 मिनट के अन्तराल पर प्रत्येक मशीन से मूले इलेक्ट्रोडों का प्रत्येक घंटे का उत्पादन
(iv) ध्रुवां, चाप मजबूती धातुमय अवस्था करने की योग्यता बैल्ड वीड आकार	उस प्रयोजन के लिए, मान्य मानक विनिर्देश	2 नम			प्रत्येक प्रकार का प्रसिद्धि का उत्पादन/असफलता की दशा में दो और नमूने लिए जाएं और यदि पुनः परख में कोई असफलता नहीं है तो पूरा लाट स्वीकार किया जाए।
(v) रसायनिक विश्लेषण (बैल्ड रिपो- जिट से से लिए गए नमूने)	उस प्रयोजन के मान्य मानक विनिर्देश	1 नम			वित्त के उत्पादन का प्रत्येक बैच।
(vi) अभिलेखन तत्व	—यथोक्त—	5 नम			प्रत्येक प्रकार के इलेक्ट्रोड के लिए हर तीन महीने —यथोक्त—
3. इलेक्ट्रोड के लिए प्रकार परख					
(i) नलन मजबूती	—यथोक्त—	1 नम			प्रत्येक प्रकार के लिए —यथोक्त—
(ii) सघात परख	—यथोक्त—	1 नम			प्रत्येक प्रकार के लिए महीने में एक बार।
(iii) हाइड्रोजन सीमा	—यथोक्त—	1 नम			

[सं 6(25)/76-नि०नि०नया नि०उ०]

ORDER

S.O. 1271.—Whereas the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) Welding Electrodes should be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the

Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty five days of the date of publication of this order in the Gazette of India to the Export Inspection Council, "World Trade Centre", 14/1B, Esia Street (7th floor), Calcutta-700001.

PROPOSALS

- (1) To notify that Welding Electrodes shall be subject to quality control and inspection prior to export;
- (2) To specify the type of inspection in accordance with the draft Export of Welding Electrodes

(Quality Control and Inspection) Rules, 1977 set out in Annexure-I to this Order as the type of quality control and inspection which would be applied to such Welding Electrodes prior to export.

(3) To recognise—

- (a) The specifications as stipulated in the Export Contract between the foreign buyer and the exporter;
- (b) In the absence of any stipulation referred to in clause (a), the specifications issued by the Indian Standards Institution or National Standard of a foreign country for Welding Electrodes as the standard specifications.

- (4) To prohibit the export in the course of international trade of any such Welding Electrodes unless the same are accompanied by a certificate issued by any one of the agencies established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the Welding Electrodes satisfy the conditions relating to quality control and inspection and are export-worthy.

3. Nothing in this order shall apply to the export by land, sea or air of bona fide samples of Welding Electrodes to prospective buyers

4. In this Order "Welding Electrodes" shall mean a metallic rod bare or coated; or metallic tube filled with flux and used in the process of welding of metal parts by fusion in which the heat necessary for the fusion is produced by means of an electric arc struck between two electrodes or between an electrode and the metal. It shall also include electrodes used in gas welding.

ANNEXURE I

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963.

1. Short title and commencement—(1) These rules may be called the Export of Welding Electrodes (Quality Control and Inspection), Rules, 1977

(2) They shall come into force on.....

2. Definition.—In these rules, unless the context otherwise requires,

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).
- (b) "agency" means any one of the agencies established at Cochin, Madras, Calcutta, Bombay and Delhi under section 7 of the Act;
- (c) "Welding Electrode" shall mean a metallic rod bare or coated; or metallic tube filled with flux and used in the process of welding of metal parts by fusion in which the heat necessary for the fusion is produced by means of an electric arc struck between two electrodes or between an electrode and the metal. It shall also include electrodes used in gas welding.

3. Quality Control—(1) The quality of the Welding Electrodes intended for export shall be ensured by effecting the following controls, at different stages of manufacture together with the tests of control as given in the Schedule annexed hereto, namely:—

(i) Bought-out materials and components control :

- (a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and shall have adequate means of inspection or testing to ensure conformity of the incoming lots.
- (b) The accepted consignments shall be either accompanied by a supplier's test or inspection certificate corroborating the requirements of the purchase

specification, in which case occasional checks (that is to say once in each quarter of the year for the same supplier of the same material) shall be conducted by the purchaser for a particular supplier to verify the correctness of the aforesaid test on inspection certificates, or the purchased materials or components shall be regularly inspected or tested either in a laboratory in the factory or in some other laboratory or test house.

- (c) The sampling for inspection or test to be carried out shall be based on a recorded investigation.
- (d) After the inspection or test is carried out, Systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal or rejected materials or components.
- (e) Adequate records in respect of the above mentioned controls shall be regularly and systematically maintained by the manufacturer.

(ii) Process control:

- (a) Detailed process specifications shall be laid down by the manufacturer for different processes of manufacture.
- (b) Equipments, instrumentation and facilities shall be adequate to control the process as laid down in the process specification.
- (c) Adequate records shall be maintained by the ensure the possibility of verifying the controls exercised during the process of manufacture.

(iii) Product control:

- (a) The manufacturer shall either have his own adequate testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the specifications recognised under section 6 of the Act
- (b) Sampling (wherever required) for testing shall be based on a recorded investigation.
- (c) Adequate records in respect of tests carried out shall be regularly and systematically maintained by the manufacturer.

(iv) Preservation control :

- (a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse affects of weather condition.
- (b) The product shall be well preserved both during storage and during transit.

(v) Metrological control :

Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards by the manufacturer.

(vi) Packing control :

The manufacturer shall lay down a detailed packing specification for export packages and would strictly adhere to the same

- (2) Inspection—The inspection of Welding Electrodes intended for export shall be carried out with a view to seeing that the above mentioned controls have been exercised at the relevant levels satisfactorily and that the 'Welding Electrodes' conform to the standard specifications applicable to them.

4. Procedure of inspection.—(1) The exporter shall give intimation in writing to any agency and submit along with such intimation a declaration that the consignment of Welding Electrodes has been or is being manufactured by exercising quality control measures as per controls referred to in

rule 3 and that the consignment conforms to the requirements of the specifications recognised for the purpose. The exporter shall at the same time endorse a copy of such intimation to the nearest office of the Council. The addresses of the Council are as under:

Head Office:

Export Inspection Council, 14/1-B, Ezra Street (7th Floor), Calcutta-1.

Regional Offices :

(i) Export Inspection Council, Regional Office 'Manohar Buildings', M. G. Road, Ernakulam, Cochin-11.

(ii) Export Inspection Council, Regional Office, Aman Chambers (4th Floor), 113 Maharishi Karve Road, Bombay-4.

(iii) Export Inspection Council, Regional Office, Faridabad, 670, Sector 16A, Mathura Road, Faridabad.

(2) The exporter shall also furnish to the agency the identification marks applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach office of the agency not less than seven days prior to the despatch of the consignment from the manufacturer's premises or exporter's premises.

(4) On receipt of the intimation and declaration under sub-rules (1) and (2), the agency shall :—

(a) in the case of an exporter who is himself the manufacturer on satisfying itself that during the process of manufacture he had exercised adequate quality control as provided under rule 3 and the instructions, if any, issued by the Council in this regard to manufacture the product according to the standard specifications applicable to it,

(b) in the case of an exporter who is not himself the manufacturer on satisfying itself that during the process of manufacture the manufacturer had exercised adequate quality control as provided under

rule 3 and the instructions, if any issued by the Council in this regard to manufacture the product according to the standard specifications applicable to it, within three days of carrying out the inspection, issue a certificate declaring the consignment of Welding Electrodes as export-worthy:

Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

5. Affixation of recognised marks and procedure thereof.—The provisions of the Indian Standards Institution (Certification marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulations, 1955, shall, so far as may be, apply in relation to the procedure of affixation of the recognised mark or seal on Welding Electrodes prior to export and Welding Electrodes so marked shall not be subjected to any inspection under rule 4.

6. Place of Inspection.—Every inspection under these rules shall be carried out at the premises of the manufacturer or exporter at the port of shipment.

7. Inspection Fee.—A fee at the rate of fifty paise for every hundred rupees of F.O.B. value subject to a minimum of rupees One hundred only for each such consignment shall be paid by the exporter to the agency as inspection fee under rule 4.

8. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons, appointed for the purpose by the Central Government.

(2) At least two thirds of the total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within 15 days of its receipt.

SCHEDULE

[See sub-rule (1) of rule 3]

Tests of Control

Sl. No.	Test or Inspection Characteristic	Requirements	No. of samples to be tested	Lot size	Remarks
1	2	3	4	5	6
1.	Material				
	(i) Core wire	As per standard specification	(a) Each and every heat or cast of coils	Each consignment	
	(a) Chemical analysis				
	(b) Physical properties		(b) As per recorded investigation	Do.	
	(ii) Powder	Do.	Each consignment as per recorded investigation	Do.	
	(iii) Blended Powder	Do.	Each batch of powder	Do.	
	(a) Chemical analysis				
2.	Routine Test for Electrode				
	(i) Dimensions with tolerance	Do.	(a) Each		
	(a) Critical				
	(b) Other		(b) As per recorded investigation	Do.	
	(ii) Workmanship, finish, Visual defect	Do.			
	(iii) Concentricities test before drying	Do.	6 pcs		From each machine at an interval of 15 minutes

1	2	3	4	5	6
(iv)	Smoke, arc stability slag detachability weld bead shape.	Standard specifications recognised for the purpose.	2 Nos.		Each hour's production of dry electrodes,
(v)	Chemical analysis (Samples drawn from weld deposit).	Standard specifications recognised for the purpose	1 No.		For day's production of each type. In case of failure, two more samples to be drawn and lot should be accepted if no failure occurs during re-test.
(vi)	Recording factor	Do.	5 Nos.		Each batch of day's production.
3. Type Test for Electrode					
(i)	Tensile strength	Do.	1 No.		Every three months for each type of Electrode.
(ii)	Impact test	Do.	1 No.		Do.
(iii)	Hydrogen limit	Do.	1 No.		Once a month for each type.

[No. 6(25)/76/CI & EP]

आदेश

का० आ० 1272.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की यह राय है कि भारत के निर्यात व्यापार के विकास के लिए यह आवश्यक तथा समीचीन है कि सफाई तथा जल फिटिंग निर्यात से पूर्व निरीक्षण के अधीन की जाए ;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) द्वारा अपेक्षित के अनुसार निर्यात निरीक्षण परिषद् को भेज दिया है ;

अतः अब उक्त उप-नियम के अनुसरण में केन्द्रीय सरकार उन सभी लोगों की जानकारी के लिए जिनके उनसे प्रभावित होने की सम्भावना है, उक्त प्रस्तावों को प्रकाशित करती है ;

सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव देने की बांछा करने वाले व्यक्ति उसे इस आदेश के राजपत्र में प्रकाशन की तारीख से पचासवीं दिनों के भीतर निर्यात निरीक्षण परिषद्, 'बिल्ड ट्रेड सेंटर', आठवीं मंजिल, 14/1-बी, एडवरा स्ट्रीट, कलकत्ता-700001 को भेज सकते हैं।

प्रस्ताव

- (1) यह अधिसूचित करना कि सफाई तथा जल फिटिंग निर्यात से पूर्व निरीक्षण के अधीन होगी ;
- (2) उपाबंध-I में दी गई सफाई तथा जल फिटिंगों के निर्यात (निरीक्षण) नियम, 1976 के प्रारूप के अनुसार निरीक्षण के प्रकार को निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करना जो कि निर्यात से पूर्व ऐसी सफाई तथा जल सम्बन्धी मामलों पर लागू होगा ;
- (3) निम्नलिखित को मान्यता देना :—
(क) इस आदेश के उपाबंध-II में दी गई न्यूनतम अपेक्षाओं के साथ विदेशी क्रेता तथा विक्रेता के मध्य तय हुए मासिक विनिदेशों को ;

(ख) भारतीय मानकों या विदेश के राष्ट्रीय मानकों को सफाई तथा जल फिटिंगों के लिए मानक विनिदेशों के रूप में मान्यता देना।

- (4) अन्तर्राष्ट्रीय व्यापार के दौरान सफाई तथा जल फिटिंगों के निर्यात का तब तक प्रतिरोध करना जब तक कि उनके माध्य निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अन्तर्गत केन्द्रीय सरकार द्वारा स्थापित अभिकरणों में से किसी एक द्वारा दिया गया इस आशय का प्रमाण-पत्र न हो कि ऐसी सफाई तथा जल फिटिंगों निरीक्षण से सम्बन्धित शर्तों को पूरा करती हैं तथा निर्यात-योग्य हैं।

2. इस आदेश में 'सफाई तथा जल फिटिंग' से जल वितरण तथा सफाई के प्रयोजनों के लिए प्रयुक्त सभी प्रकार के कोक, तन, बॉन, वाल्व, फुहारे अभिप्रेत हैं।

3. इस आदेश की कोई भी बात भावी क्रेताओं को सहाई तथा जल फिटिंगों के वास्तविक नमूनों के भू, वायु या समुद्र मार्ग द्वारा निर्यात को लागू नहीं होगी।

उपाबंध I

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 की धारा 17 के अन्तर्गत बनाए जाने के लिए प्रस्तावित नियमों का प्रारूप।

1. संक्षिप्त नाम तथा प्रारम्भ—(1) इन नियमों का नाम सफाई तथा जल फिटिंग निर्यात (निरीक्षण) नियम, 1977 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएँ—इन नियमों में, जब तक कि मदर्भ से अन्यथा अपेक्षित न हो—

(क) 'अधिनियम' से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है ;

(ख) 'अभिकरण' से अधिनियम की धारा 7 के अन्तर्गत कोचीन, मद्रास, कलकत्ता, मुम्बई तथा बिल्ली में स्थापित अभिकरणों में से कोई एक अभिप्रेत है ;

(ग) 'गफाई तथा जल फिटिंग' से जब वितरण तथा गफाई के प्रयो-जनों के लिए प्रयुक्त सभी प्रकार के कोर, तब, बॉन वाल्ड तथा फुलारे अभिप्रेत है।

3. निरीक्षण का आधार—निर्यात के लिए आशयित गफाई तथा जल फिटिंगों का निरीक्षण इस दृष्टि से किया जाएगा कि वह अतिनियम की धारा 6 के अन्तर्गत केन्द्रीय सरकार द्वारा मान्य मानक विनियमों के अनुरूप है।

4. निरीक्षण की प्रक्रिया—गफाई तथा जल फिटिंगों का निर्यात करने का हस्तक्षेप निर्यातकर्ता अपने ऐसा करने के आशय की सूचना लिखित रूप में देगा तथा ऐसी सूचना के साथ ऐसे निर्यात से सम्बन्धित निर्यात सविदा में दिए गए विनिर्देशों की घोषणा किसी भी अभिकरण की देगा ताकि वह नियम 3 के अनुसार निरीक्षण कर सके।

(2) उप-नियम (1) के अन्तर्गत प्रत्येक सूचना तथा घोषणा पोत-खदान की अनुसूचित तारीख से कम-से-कम दस दिन पहले दी जाएगी तथा सूचना की एक प्रति उसी समय परिषद् के किसी भी कार्यालय को देगा जो कि निरीक्षण के स्थान के निकटतम हो अर्थात् :—

मुख्य कार्यालय

निर्यात निरीक्षण परिषद्, वर्ल्ड ट्रेड सेंटर, 14/1-बी, एजरा स्ट्रीट, अठवीं मंजिल, कलकत्ता-700001

क्षेत्रीय कार्यालय

1. निर्यात निरीक्षण परिषद् भ्रमन चम्बर, पांचवीं मंजिल, 113, महर्षि कर्वे रोड, बम्बई-400004

2. निर्यात निरीक्षण परिषद् मनोहर बिल्डिंग, महत्मा गांधी रोड, एनकुणम, कोचीन-682011

3. निर्यात निरीक्षण परिषद्, 6 पी सैक्टर, 16-ए, मथुरा रोड, करीबाबाद।

(3) उप-नियम (1) के अन्तर्गत प्रत्येक सूचना तथा घोषणा प्राप्त होने पर अभिकरण, नियम 3 तथा इस सम्बन्ध में परिषद् द्वारा समय-समय पर जारी किए गए निर्देशों, यदि कोई हो के अनुसार गफाई तथा जल फिटिंगों का निरीक्षण करेगा।

(4) (क) निरीक्षण की समाप्ति के पश्चात् अभिकरण पैकेजों की परीक्षण में इस ढंग से यह सुनिश्चित करने के लिए तुरन्त ही सोल करेगा कि सोल किए हुए मास के साथ छेड़-छाड़ न की जा सके।

(ख) परीक्षण की अस्वीकृति की दशा में, यदि निर्यातकर्ता चाहता है तो, परीक्षण को अभिकरण द्वारा सोल बल्व, मोटर या स्टैंसिल नहीं किया जाएगा और ऐसे मामलों में निर्यातकर्ता अस्वीकृति के विरुद्ध अपील नहीं कर सकेगा।

(5) जहाँ अभिकरण का यह समाधान हो जाता है कि गफाई तथा जल फिटिंगों का परीक्षण मान्य विनिर्देशों की अपेक्षाओं के अनुरूप है तो वह निरीक्षण की समाप्ति के तीन दिनों के भीतर निर्यातकर्ता को यह घोषणा करते हुए प्रमाण-पत्र दे देगा कि परीक्षण निरीक्षण से सम्बन्धित शर्तों को पूरा करता है तथा निर्यात योग्य है ;

परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो जाता वहाँ वह उक्त तीन दिनों की अवधि के भीतर ऐसा प्रमाण-पत्र देने से इन्कार कर देगा तथा ऐसे इन्कार की सूचना कारणों सहित निर्यातकर्ता को देगा।

5. निरीक्षण का स्थान—इन नियमों के प्रयोजनों के लिए गफाई तथा जल फिटिंगों का निरीक्षण—

(क) विनिर्माता के परिसर पर किया जाएगा, या

(ख) उस परिसर पर किया जाएगा जहाँ निर्यातकर्ता द्वारा गफाई तथा जल फिटिंगों का निरीक्षण के लिए प्रस्तुत की गई है परन्तु यह तब जब वहाँ उस प्रयोजन के लिए पर्याप्त सुविधाएँ हों।

6. निरीक्षण फीस—प्रत्येक परीक्षण के लिए पोत पर्यन्त निम्नलिखित मूल्य के प्रत्येक एक सौ रुपये पर पचास पैसे की दर से निरीक्षण फीस निर्यातकर्ता द्वारा अभिकरण को दी जाएगी। यह फीस कम से कम एक सौ रुपये होगी।

7. अपील—(1) नियम 4 के उप-नियम (5) के अन्तर्गत प्रमाण-पत्र देने के इन्कार से व्यथित कोई व्यक्ति उसके द्वारा ऐसे इन्कार की सूचना प्राप्त होने के दस दिनों के भीतर, इस प्रयोजन के लिए केन्द्रीय सरकार द्वारा नियुक्त कम-से-कम तीन और अधिक-से-अधिक मान्य व्यक्तियों के विशेषज्ञों के पैनल को अपील कर सकता है।

(2) पैनल में विशेषज्ञों के पैनल की कुल सदस्य संख्या के दो-तिहाई सदस्य गैर-सरकारी होंगे।

(3) पैनल की गणपूर्ति तीन होगी।

(4) अपील प्राप्त होने के पन्द्रह दिनों के भीतर निष्ठा दी जाएगी।

उपबन्ध II

1. कार्यकीर्ण तथा फिटिंग

1.1. सामग्री हलवा दावा से रहित तथा एक बार, गंधा से मुक्त, खरौटों तथा अन्य विनिर्माण सम्बन्धी दातां से मुक्त होगी।

1.2. प्लेट किए जाने की दशा में सहज एक मात्र होंगे तथा प्लेटिंग दोषों, जैसे छाटे-छाटे गड्ढे, फूटे हुए भागों, दरारों तथा पत्तर न चढ़े धब्बों से मुक्त होगी तथा ऐसे धब्बों व दरारों से मुक्त होगी।

1.3. भार सह्यता —5% क्षति पर

2. परखे

2.1. दबाव परख आते सघटक भागों सहित प्रत्येक फिटिंग, 2 मिनट तक प्रति वर्ग इंच पर 300 पौंड के जलीय दबाव को आन्तरिक भागों में सहन करने योग्य होनी चाहिए और उस अवधि में वह न तो गिर करनी चाहिए और न उसमें प्रस्फोटन होना चाहिए।

2.2. प्लेट किए गए सघटक शसन परख के लिए नीचे दिए गए विवरणों के अनुसार परखे जाएंगे।

(1) प्लेट की गई बम्बुओं (निकल क्रोमियम प्लेटिंग) की ओशन में लगभग एक घंटे तक ताप द्वारा शसन परख की जाएगी। तापमान नीचे दी गई आधारभूत धातु पर $\pm 10^\circ$ से. की सह्यता पर आधारित है।

जिक एलोय इस्पात की बस्तुएं 300° से. 150° से.

कोपर या कोपर एलोय 250° से.

एल्युमीनियम या एल्युमीनियम एलोय 250° से.

तब वस्तु कमरे के तापमान पर पानी में शामिल कर दी जाएगी।

कोटिंग जब इन परख के यमीन होगी तब प्रारम्भ प्रारम्भ विनो रहेगी।

इस परख के लिए वस्तु की कटाई आवश्यक नहीं है।

3. पकिंग

3.1. जब तक केता द्वारा अपेक्षित न हो, प्रत्येक फिटिंग डिशु पेपर में लपटी जाएगी तथा कार्ड बोर्ड के डिब्बों में पैक की जाएगी।

3.2. 50 कि० ग्रा० के भार के पैकेज, पैकेज को या उनमें रखे माल की कोई हानि हुए बिना 190 से० सी० की ऊँचाई में तब चढ़ा करने में समर्थ होने चाहिए पैकेजों का मौसम और आर्द्रता वृषण के प्रति-कूल प्रभाव से पर्याप्त संरक्षण किया जाएगा।

4. नमूना सारणी तथा अनुसूचना के लिए मानक

लाट आकार (एक प्रकार तथा आकार)	स्तम्भ 1.1, 1.2, 1.3, 2.1 के लिए नमूना आकार	स्तम्भ 2.2 के लिए आकार	स्तम्भ 2.3 के लिए आकार	स्तम्भ 2.4 के लिए आकार	स्तम्भ 2.5 के लिए आकार
150 तक	5	1	0	0	
151 से 500	20	1	1	0	
501 से 1000	32	1	2	0	
1001 से 3000	50	2	3	0	
3001 से 10,000	80	3	5	0	
10,001 तथा अधिक	125	3	7	0	

[सं० 6(32)/76-नि० नि० तथा नि० उ०]

के० वी० बालमुद्रहर्षण्यम्, उप-निदेशक

ORDER

S.O. 1272.—Whereas the Central Government is of opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient so to do for the development of the export trade of India that Sanitary and Water Fittings shall be subject to inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty-five days of the date of publication of this order in the Official Gazette to the Export Inspection Council, 'World Trade Centre' 7th Floor, 14/1-B, Ezra Street, Calcutta-700001.

PROPOSALS

(1) To notify that Sanitary and Water Fittings shall be subject to inspection prior to export;

(2) To specify the type of inspection in accordance with the draft Export of Sanitary and Water Fittings (Inspection) Rules, 1976 set out in Annexure I as the type of inspection which would be applied to such Sanitary and Water Fittings prior to export;

(3) To recognise—

(a) The contractual specification as agreed upon between the foreign buyer and the seller together with the minimum requirements given in Annexure II to this order.

(b) Indian Standards or National Standards of a foreign country as the standard specification for Sanitary and Water Fittings.

(4) To prohibit the export, in the course of international trade, of any such Sanitary and Water Fittings unless the same is accompanied by a certificate issued by any one of the agencies established by the Central Government under Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that such Sanitary and Water Fittings satisfy the conditions relating to inspection and are exportworthy.

2. In this Order "Sanitary and Water Fittings" shall mean all types of Cocks, taps, ball valves, Shower Roses, used for water supply and sanitation purposes.

3. Nothing in this order shall apply to the export by land, sea or air of bonafide samples of Sanitary and Water Fittings to prospective buyer

ANNEXURE I

Draft Rules proposed to be made under Section 17 of the Export (Quality Control and Inspection) Act, 1963

1. Short title and commencement.—(1) These rules may be called the Export of Sanitary and Water Fittings (Inspection) Rules, 1977.

(2) They shall come into force on the date of their publication in the official gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "agency" means any of the agencies established at Cochin, Madras, Calcutta, Bombay and Delhi under Section 7 of the Act;

(c) "Sanitary and Water Fittings" means all types of Cocks, taps, ball valves, Shower Roses used for water supply and sanitation purposes

3. Bases of Inspection.—Inspection of Sanitary and Water Fittings intended for export shall be carried out with a view to seeing that the same conform to the standard specifications recognised by the Central Government under Section 6 of the Act.

4. Procedure of inspection.—(1) An exporter intending to export Sanitary and Water Fittings shall give intimation in writing of his intention so to do and submit along with such intimation a declaration of the specification stipulated in the export contract relating to such export to any agency to enable it to carry out the inspection in accordance with rule 3.

(2) Every intimation and declaration under sub-rule (1) shall be given not less than ten days before the scheduled date of shipment and a copy of the intimation shall simultaneously be endorsed to any of the following offices of the Council which is nearest to the place of inspection, namely :—

Head Office :

Export Inspection Council, World Trade Centre, 14/1B, Ezra Street, 7th Floor, Calcutta-700001.

Regional Offices :

1. Export Inspection Council, Aman Chambers, 4th Floor, 113, Maharshi Karve Road, Bombay-400004.

2. Export Inspection Council, Manohar Buildings, Mahatma Gandhi Road, Ernakulam, Cochin-682011.

3. Export Inspection Council, 6P Sector, 16-A, Mathura Road, Faridabad.

(3) On receipt of the intimation and declaration under sub-rule (1), the agency shall carry out the inspection of Sanitary and Water Fittings in accordance with rule 3 and the instructions, if any, issued by the Council from time to time in this regard.

(4) (a) After completion of the inspection, the agency shall immediately seal the packages in the consignment in a manner as to ensure that the sealed goods cannot be tampered with.

(b) In case of rejection a consignment, if the exporter so desires, the consignment may not be sealed, stamp or stenciled by the Agency and in such cases, however, the exporter shall not be entitled to prefer an appeal against rejection.

(5) When the Agency is satisfied that the consignment of Sanitary and Water Fittings complies with requirements of the recognised specification, it shall issue within three days of completion of inspection a certificate to the exporter declaring that the consignment satisfies the conditions relating to inspection and is exportworthy.

Provided that where the Agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

5. Place of Inspection.—Inspection of Sanitary and Water Fittings for the purpose of these rules shall be carried out,

(a) at the premises of the manufacturer

or

(b) at the premises at which the Sanitary and Water Fittings offered for inspection by the exporter, provided adequate facilities are for the purpose exist therein.

6. Inspection fee.—Subject to a minimum of rupees fifty for each consignment, a fee at the rate of fifty paise for every Rs. 100 of f.o.b. value, shall be paid by the exporter to the Agency as inspection fee.

7. Appeal.—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub rule (5) of rule 4, may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(2) The panel shall consist of at least two-thirds of non-official of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

ANNEXURE II

1. Workmanship and finish

1.1 Fittings shall be smooth, free from burrs, scratches and other manufacturing defects including casting defects,

1.2. When plated, the surface shall be uniform and free from plating defects such as pits, blisters, unplated spots and cracks.

1.3. Weight tolerance—5%.

2. Tests

2.1. Pressure Tests—Each fitting, complete with its component parts, shall withstand an internally applied hydraulic pressure of 300 p.s.i., maintained for a period of 2 minutes during which period, it shall neither leak nor sweat.

2.2. Plated components shall be tested for quenching test as detailed hereunder :—

(i) Quenching Tests shall be carried out by heating the plated articles (Nickel chromium plating) in an oven for one hour approx. The temperature depends on the basis metal as under with a tolerance of $\pm 10^{\circ}\text{C}$.

Articles of Steel	300°C
Zn alloy	150°C
Copper or Copper alloy	250°C
Aluminium or	
Aluminium alloy	250°C

The article is then to be quenched in water at room temperature.

The coating shall continue to adhere to the basis metal when subjected to this test.

For this test cutting of the article is not necessary.

3. Packing.

3.1. Unless otherwise required by the buyer, each fitting shall be wrapped in a tissue paper and packed in card board box.

3.2 The packages weighing up to 50 kg shall also be able to withstand a drop from a height of 190 cm without any damage to the contents inside or the package itself. The packages shall also be adequately protected against adverse effects of weather and moisture contamination.

4. Sampling Table and criteria for conformity

Lot size (one type and size)	Sample size for clause 1.1, 1.2, 1.3, 2.1	Sub sample size for clause No. 2.2	Permissible of defects	No.
			for column 2	3
	1	2	3	4
Up to 150	5	1	0	0
151 to 500	20	1	1	0
501 to 1000	32	1	2	0
1001 to 3000	50	2	3	0
3001 to 10,000	80	3	5	0
10,001 and above	125	3	7	0

[No. 6(32)/76—EI & EP]

K. V. BALASUBRAMANIAM, Dy. Director

